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ABSTRACT

When, and how far, should individuals assume responsibility for their own disadvantages themselves, and when, in contrast to this, is it right for society as a collective body to try to remedy or mitigate disadvantage? Some theorists argue that in so far as disadvantages result from voluntary choices, they should be borne by the agents themselves and do not raise a case of justice for public assistance. This criterion is plausible in some cases but far from self-evident in others. In reality, people often fail to make the kinds of choices about what to do that we might hope for yet this does not necessarily make it right for them to abrogate responsibility entirely. And even where a voluntary choice has been made by the individual, it is not obviously right in every case for the individual to bear all the consequences. It is argued that in order to fully account for common intuitions in this area we must appeal to a more inclusive theory of responsibility that takes in a number of criteria of justice including, but not exhausted by, the presence or absence of voluntary choice. In addition to this, however, it is argued that, though important, justice is not the only reason why responsibility matters. We also care about individual responsibility because of its associations with human flourishing and because of the alleged moral value of autonomous choice. Whilst this pluralistic view of the value of individual responsibility can make it harder to arrive at definitive prescriptions about which social policies best advance our concerns, it is nevertheless possible to draw at least some policy conclusions. One important conclusion is that sometimes it is better not to hold individuals responsible for their past choices by denying them aid now, so that they might be better able to assume individual responsibility at a later date.

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AESOP'S FABLES

Hercules and the Wagoner

A farmer was carelessly driving his wagon along a muddy road when his wheels became stuck so deep in the clay that the horses came to a standstill. Consequently, the man dropped to his knees and began to pray for Hercules to come and help him without making the least effort to move the wagon himself. However, Hercules responded by telling him to lay his shoulder to the wheel and reminding him that heaven only aided those who tried to help themselves.

Pray as we may, if we do not learn to help ourselves, all our prayers will go unheeded.

(Aesop 1996: 62)

The Ants and the Grasshopper

On a cold, frosty day the ants began dragging out some of the grain they had stored during the summer and began drying it. A grasshopper, half-dead with hunger, came by and asked the ants for a morsel to save his life.

“What did you do this past summer?” responded the ants.

“Oh,” said the grasshopper, “I kept myself busy by singing all day long and all night, too.”

“Well then,” remarked the ants, as they laughed and shut their storehouse, “since you kept yourself busy by singing all summer, you can do the same by dancing all winter.”

Idleness brings want. (Aesop 1996: 11)

1 INTRODUCTION

Individual responsibility is now very much on the political agenda. Even those who believe that its importance has been exaggerated in recent years – either because the right conditions for assigning responsibility to individuals are rarely satisfied or because not enough is done to protect individuals from the more severe consequences of their choices and gambles – accept that individual responsibility is at least one of the values against which a society and its institutions ought to be evaluated. Yet we still know surprisingly little about this supposed value. What, more exactly, does it mean to hold individuals responsible for the success or failure of their own lives? When, if ever, is this policy justified and on what grounds? Finally, if we value individual responsibility, which social policies should we favour?

What follows is an applied philosophical investigation of the above questions. Its approach combines conceptual analysis of individual responsibility with a much-needed exploration of its various normative bases and practical applications. In addition to these normative issues, the thesis also examines some of the many economic and political difficulties associated with responsibility-catering policies, and explores some rules and policies which could best meet our concerns.

1.1 BACKGROUND

Much present philosophical interest in individual responsibility started with a broader question: what is it to live in a society of equals? In his, *A Theory of Justice*, Rawls argued that significant progress can be made in answering this question by appealing to Kantian moral philosophy and, in particular, Kant's Formula of the End in Itself:

On the contract interpretation treating men as ends in themselves implies at the very least treating them in accordance with principles to which they would consent in an original position of equality. (Rawls 1971: 180)

For Rawls, Kantian moral philosophy places particular emphasis on respect for persons, which in turn requires that principles be such that they can be justified to each person. Rawls tried to flesh out this idea by asking the following question: what principles of justice can be justified to each person in an original position of freedom and equality?

Rawls argued that parties to an original position of freedom and equality would agree upon 'the difference principle' for the arrangement of social and economic inequalities. This principle states that social and economic inequalities should be arranged so that they are to the greatest benefit of the least advantaged (see Rawls 1971: 302). By adopting the difference principle, however, Rawls left himself open to the bipartite objection that his conception of distributive justice violates individual liberty and, crucially for my investigation, is insensitive to individual responsibility.

I think that it is worth briefly looking at the first objection because it offers some important insights into the second. In his stirring book, *Anarchy, State and, Utopia*, Robert Nozick argued that arranging inequalities to the greatest benefit of the least advantaged inevitably involves government interference in voluntary exchanges (see Nozick 1974: 194). This, according to Nozick, is not permitted by Kant's Formula: on Nozick's reading, treating individuals as ends in themselves has to do with respecting their inviolable rights to life, liberty, and property and this in turns means the State does not have the right to 'arrange' inequalities (see Nozick 1974: 30-31). Specifically, Nozick believed that the project in which Rawls was engaged was based on the false assumption that the State has at its disposal at any given time a pool of unattached resources to distribute as it sees fit:

However, we are not in the position of children who have been given portions of pie by someone who now makes last minute adjustments to rectify careless cutting. There is no *central* distribution, no person or group entitled to control all resources, jointly deciding how they are to be doled out. What each person gets, he gets from others who give to him in exchange for something, or as a gift.
(Nozick 1974: 149)

Even without the Formula of the End in Itself, there is evidence in Kant's political philosophy to suggest that he himself supported, if not an ultraminimal State, then at least a minimal State. For one thing, Kant thought that rightful law giving (that is, the

legitimate use of coercive force by the State) has to do with what is necessary to prevent individuals interfering unjustly in other people's lives (see, for example, Kant 1996: 24). Thus, Kant distinguished between 'duties of right' (which have to do with external actions) and 'duties of virtue' (which have to do with goals we set ourselves and freely choose). Although duties of benevolence are obligations to external action (to help others), they are also duties of virtue because they are goals that individuals set themselves. And it appears to follow from the above distinction that the State does not have the right to interfere to force individuals to benefit the less fortunate even though this is what the difference principle seems to imply.

On the surface, then, it looks like Rawls was at best hopeful and at worse misguided in appealing to Kantian philosophy to try to justify his belief that inequalities should be arranged so that they are to the greatest benefit of the least advantaged. However, there is also evidence in Kant's work to suggest he did think that the State has the right to take over the benevolent activities of private groups and individuals. Kant thought that each citizen wills his preservation as a condition of living in a political society and that citizens therefore consent to the right of the sovereign to act to preserve life. For these reasons, Kant argued that it is in keeping with the right of the State to impose taxes on wealthy citizens in order to support the destitute (see Kant 1996: 101).

Nevertheless, there is a further wrinkle. Kant's comments on institutional beneficence reveal that he was selective over who has a claim to help. When Kant considers the right of the State in respect of benevolence he claims only that the State has

a right to help 'those members of society who cannot help themselves' (Kant 1996: 101) and 'the helpless poor' (cited in Williams 1983: 197). Kant expressly rejects arrangements for benevolence that 'make poverty a means of acquisition for the lazy.' He describes these arrangements as 'an unjust burdening of the people by government' (Kant 1996: 101). We must assume, therefore, that Kant was not opposed to the State playing an instrumental role in benefiting the poor but with the additional proviso that it is only just to intervene to help individuals who cannot help themselves (as opposed to those who can).

This last mentioned point leads directly to the second objection against Rawls. Rawls' difference principle specifies that inequalities should be arranged so that they are to the greatest benefit of the least advantaged. However, as Will Kymlicka pointed out in his *Contemporary Political Philosophy*, this potentially ignores the fact that some individuals have fewer resources than others due to their own choices (see Kymlicka 1990: 73-76). According to Kymlicka, one example that illustrates this point very well is Ronald Dworkin's retelling of Aesop's fable of the Ants and the Grasshopper. Suppose there are two equally talented individuals who share the same social background and have an opportunity to privately own and use equally valuable sets of land and material resources. One wants to be a market gardener and selects land and raw materials that will allow him to produce as much of what others want as possible. The other person wants a similar amount of land and raw materials but for use as a tennis court. Assuming the market gardener is more successful at trading with other members of the community, he will soon have a greater share of resources than the tennis player. What should we do?

To insist on the status quo, we would have to redistribute some of the market gardener's resources in favour of the tennis player. Yet we hardly think this outcome fair. Justice appears to require that people who choose less productive occupations, as measured by what other people want, have fewer resources in consequence (see Dworkin 1981*b*: 304-305).

It seems, therefore, that Dworkin's work on equality contains an important criticism of Rawls' difference principle. Whilst Dworkin's aim has been to explore which conception of equality (equality of welfare or equality of resources) states the more attractive political ideal, he also appeared to uncover an important truth about equality, namely, that an equal society is one in which the distribution of resources is sensitive to individual responsibility. Whereas Nozick rejected the ideal of social justice, and appealed to fundamental rights of life, liberty, and property to build a case against government intervention in market outcomes, Dworkin had revealed how subtler conclusions about when it is right for the State to intervene could be reached by incorporating greater sensitivity to individual responsibility into egalitarian arguments about social justice.

A sophisticated egalitarian, then, believes in equality but does not necessarily believe that all disadvantages are unfair. Some disadvantages are rightly borne by the agents themselves. And this is the crux of the second objection against Rawls' difference principle. Kymlicka argued that in aiming to maximise the position of the least well off, the difference principle ignores the morally relevant fact that some people are worse off

as a result of their own choices, and so do not have a right to assistance (see Kymlicka 1990: 73-76). Rawls was aware of this objection and attempted to respond to it in his later work. Rawls' various strategies to incorporate sensitivity to individual responsibility within his contract approach raise important issues that I shall explore later. But for the moment I want to stress that even though virtually all egalitarians now accept the basic premise that equality should be responsibility-sensitivity, at least to some degree, there are different versions of responsibility-sensitivity.

Some egalitarians defend a form of egalitarianism that incorporates within it a generic distinction between choice and luck. The basic thought behind this 'luck egalitarianism' (Anderson 1999: 289) is that individuals should be compensated for those inequalities that reflect bad luck but not for those that flow from their own voluntary choices. Nevertheless, there is as yet no settled view about the exact meaning of this distinction. G. A. Cohen, for example, recognises the contribution of Dworkin in highlighting the importance of responsibility-sensitivity but argues that Dworkin has not always remained true to the basic ideal (see Cohen 1989: 933). Hence, whereas Dworkin believes that it is right to hold people personally responsible for their individual tastes and preferences, except where they suffer from a craving or obsession that is aptly viewed as a handicap, Cohen thinks that the distinction between choice and luck cuts through all dimensions of human disadvantage, judging certain disadvantages to be fair and others to be unfair depending on the degree of choice (see Cohen 1989: 921). For Cohen, this means that personal tastes and preferences do raise a case for compensation or subsidy if they are unchosen (see Cohen 1989: 932).

For his part, Dworkin claims that it is Cohen who misunderstands the true significance of the distinction between choice and luck. He points out that people's personal tastes, preferences, ambitions, desires, and so on, are educated by underlying beliefs, convictions, and judgements of different sorts. As such, it would strike us as 'bizarre' for someone to claim compensation for his unchosen preferences (Dworkin 2000: 290). For Dworkin, the morally relevant distinction is between 'personality' (which ordinarily do not raise a case for compensation) and 'circumstances' (which he argues might in some cases) (see Dworkin 2000: 323).

However, the intricacies do not end here. Dworkin suggests that in reality there is a close interplay between personality and circumstances. But the problem is that circumstances are not equal from the start – some people are more talented than others; people face unequal chances of being made redundant; some people have physical handicaps that others do not; some people are predisposed to certain diseases; people have access to different levels of information about risk; some people can pay more than others for health care because they have more income; and so on. These interactions pose a 'strategic problem' for the egalitarian planner. How do we identify, at any particular time, that component of personal disadvantage that is traceable to differential circumstances as distinguished from differential ambitions? (See, for example, Dworkin 1981*b*: 313-4; 2000: 322-5).

Dworkin's proposed solution to the strategic problem is to entertain the following thought experiment. We are asked to imagine a hypothetical situation in which everyone faces the same antecedent chance of suffering a range of misfortunes and the same means with which to purchase insurance against different outcomes. Faced with the difficult question of deciding which situations are rightly a matter of individual responsibility and which should be remedied by society at large, the egalitarian planner should look at the kinds of decisions that would be made by people within the hypothetical insurance market. Dworkin applies this thought experiment to a variety of different disadvantages, ranging from physical disability and lack of talent through to disease and injury, and on to redundancy and being born to poor parents (see his 2000: chs. 2, 8 and 9).

Dworkin was certainly not the first egalitarian philosopher to employ a thought experiment to flesh out principles of justice. Rawls, in *A Theory of Justice*, placed individuals behind a metaphorical veil of ignorance. But Dworkin was arguably the first to underscore the importance of the distinction between choice and luck for debates about distributive justice. It has been suggested (at least in the verbal tradition) that Rawls' own formulation also depends on the distinction between choice and luck. By way of evidence for this claim, it is pointed out that among the essential features of the original position is the fact that no one knows his own fortune in the distribution of natural assets and abilities (see Rawls 1971: 12). This is certainly consistent with the claim that society should try to eliminate the influence of brute luck on distribution. However, even though Rawls argues that 'no one deserves his place in the distribution of native endowments, any more than one deserves one's initial starting place in society' (Rawls 1971: 104), he

also distances his principles of justice (including the difference principle) from the idea that we should redress the bias of natural contingencies in the direction of strict equality (see Rawls 1971: 101).

Perhaps the main reason for Rawls' ambivalence towards the principle of redress is his belief in the impossibility of redressing the bias of social contingencies and natural fortune on distributive shares as long as the institution of the family exists – the family being one of the basic institutions of a political society, responsible for ensuring the normal development of future generations (see, for example, Rawls 1971: 74). But whatever the reason, I agree with Samuel Scheffler that it makes questionable sense to interpret Rawls as engaged in the same work as Dworkin and Cohen, namely, to defend and render more explicit the distinction between choice and luck (see Scheffler 2003: 8-12). Rather, we should say that, for Rawls, the central business of egalitarian theory is to identify principles of justice – which principles incorporate a social division of responsibility – acceptable to everyone under conditions of freedom and equality.

There are, then, different ways to reconstruct the basic egalitarian impulse. But what, if any, are the implications of this? One implication is that there is more than one rationale of justice for denying aid to the lazy or for refusing to give extra resources to people with expensive tastes. However, a further implication is that there are egalitarians who do *not* believe that it would be unjust to (1) offer income to the idle and (2) give additional resources to people with expensive tastes. On the first point, some egalitarians contend that everybody has a right to at least some unconditional income, even people

who want to surf all day. Philippe Van Parijs, for example, defends unconditional income on the grounds of 'real freedom for all' (see Van Parijs 1991; 1995). On the second point, whereas Rawls and Dworkin think that it is right to assign responsibility to individuals for the satisfaction of their tastes and preferences (see Rawls 1996: 186; Dworkin 1981*b*), Cohen and Arneson affirm that unchosen tastes and preferences do raise a case for compensation (see Cohen 1989; and Arneson 1989).

Further discrepancies in egalitarian thinking about justice are brought out in Elizabeth Anderson polemical article, "What is the Point of Equality?" Anderson regards recent work on the idea of equality as being dominated by the claim that individuals should be held responsible for the consequences of their choices but not for bad luck. According to Anderson, however, the more fundamental task is to identify a division between individual and collective responsibility that shelters people from oppressive relationships and enables them to live as human beings, pursue their own conceptions of the good, and participate in the economic and political life of the community (see Anderson 1999: 312). Anderson argues that adhering to the idea of choice and responsibility entails treating individuals in ways that we have other egalitarian reasons not to want to treat them. It entails, for example, that society should deny emergency medical treatment to individuals injured as a result of their own negligent actions; that it is acceptable to exclude certain sections of the disabled community from public places if they are responsible for their own disabilities; that government agencies should withhold disaster relief from farmers who knowingly set up production in hazardous geographical areas; that society has a right not to compensate public service workers (such as fire-fighters) for any injuries they

might suffer as a result of carrying out their dangerous duties; and that individuals should accept the present system of market-based rewards as the unintended result of people's free choices, even though the present system fails to recognise the work undertaken by female carers in the home, leaving such women vulnerable to exploitation, violence, and domination at the hands of men (see Anderson 1999: 295-298).

Divergence between theories of justice is replicated in differences between the welfare ethos's of different countries. In some countries, for example, moral and political discourse about social welfare policy starts from the assumption that individuals should fend for themselves wherever possible and, therefore, that government should aim to help only a relatively small number of severely disadvantaged people. However, not every country is like Britain and the United States in its attitudes towards social welfare. In Sweden, for instance, it is the move away from collective responsibility that stands in need of justification:

The welfare state in Sweden is universalist and egalitarian in that it seeks to provide for the whole population rather than to target resources on groups with special needs. Welfare is intended to integrate rather than to divide the members of society. Social citizenship confers upon Swedes a wide range of welfare entitlements which are designed to provide the decent (rather than the minimum) standard of living that is considered appropriate to an advanced democracy. (Digby 1989: 12)

History can help to explain these variations in ethos between countries. In the United States, for example, the presumption has been against government intervention in matters of personal welfare, and some historians trace this rugged individualism back to the pioneering spirit of the early American experience, where an ethos of individual initiative and self-help was born of necessity rather than choice (see Digby 1989: 15). In addition to this, some view differences in social welfare provision between different countries as reflecting the degree of social integration and homogeneity that exists within each country. As David Willetts has recently suggested:

The basis on which you can extract large sums of money in tax and pay it out in benefits is that most people think the recipients are people like themselves facing difficulties that they themselves could face. If values become more diverse, if lifestyles become more differentiated, then it becomes more difficult to sustain the legitimacy of a universal risk pooling welfare state. People ask; why should I pay for them when they are doing things that I wouldn't do? This is America versus Sweden. You can have a Swedish welfare state provided that you are a homogeneous society with intensely shared values. In the United States you have a very diverse, individualistic society where people feel fewer obligations to fellow citizens. Progressives want diversity, but they thereby undermine part of the moral consensus on which a large welfare state rests. (Quoted in Goodhart 2004: 24)

However, the differences between countries also raise the following normative questions. What is the right ethos of responsibility? To what extent are dissimilarities in the way different countries deal with issues of personal responsibility morally justified? Is there a definitive set of rules to which every country must conform or are there simply a number of just policies and just outcomes?

Bringing all of the foregoing points together, since there is more than one theory about the link between justice and responsibility-sensitivity and more than one theory about the right criteria for assigning consequential responsibility to individuals, more needs to be said to make good the claim that the choice/luck distinction should be operative in deciding what is a just division of consequential responsibility. One of the main aims of my investigation is to try to bring out the limitations of a purely choice-based approach to individual responsibility.

It should also not be forgotten that individual responsibility is widely discussed in many contexts and not only in terms of specifying whether or not people's disadvantages are in some sense chosen. In fact support for individual responsibility can take many forms. One obvious place to start is with the beneficial consequences of individual responsibility for society. In his classic text on the merits of individual initiative, for example, the Victorian thinker Samuel Smiles focused on the endeavours of great historical figures to point out the merits of self-help for the general good, including in the fields of industry, science, and the arts (see Smiles 1859). More recently, individual responsibility has been offered as the right solution to some of the most difficult and

pressing social welfare problems of our age. How can the next generation support an ageing population in retirement? How do we cover the cost to health services of treating smoking-related diseases? How can we fund more students going to university? Can society afford to support the idle? How can the State be expected to make people happy?

The possible advantages of individual responsibility are not confined to society. It is an open question whether government should support the idle. But even in those societies where the idle do receive an income, one reason often given as to why individuals should try to support themselves through work, wherever possible, is that it is in their best interests to do so. In his investigation of these issues, for example, David Schmidtz points to studies in the United States which reveal how individuals who rely on welfare benefits are more likely to remain in poverty than those who make an effort to find work and provide for themselves. This sort of argument provides a ready answer to people who ask: 'Why, if nobody else is trying to work for a living, should I?' If there is an argument from self-interest for people to work for a living, then this argument is unaffected by non-compliance on the part of other similarly-situated people. In fact, non-compliance by others may even improve a person's chances of gaining a good job in the sense of removing at least some of the competition. Part of the attraction of individual responsibility is also that it adds to the self-respect of those who exercise it. It has been argued, for example, that by earning a wage and being financially self-reliant individuals gain a level of self-respect that they might not otherwise achieve.

There is, then, potentially much more to debates about the just division of consequential responsibility than talk of choice-sensitivity and there is no reason why theories of justice should exclude reasons to do with the consequences of different assignments of responsibility; at any rate, no reason I can think of. However, an additional complication that I intend to explore in this investigation is that justice is not the only thing that matters. Some people argue that assigning responsibility is not only about justice but also about promoting the good life.

What do I mean by 'the good life' and how is it linked to individual responsibility? One straightforward answer is that individual responsibility is sometimes depicted as a virtue, as a character trait it is desirable for people to have. (I do not deny that virtues are sometimes explained and defended in terms of beneficial consequences but that is not necessarily the case. We sometimes define virtue independently of any benefits it might bring to individuals and society at large.) Some historical perspective should help to make this plain. The Poor Laws of England were an early attempt to improve the quality of life of the poor. However, its critics argued that its overall affect was to remove a key incentive to the virtues of hard work and self-reliance:

The labouring poor, to use a vulgar expression seem always to live from hand to mouth. Their present wants employ their whole attention, and they seldom think of the future. Even when they have an opportunity of saving, they seldom exercise it; but all that they earn beyond their present necessities goes, generally speaking, to the alehouse. The poor law may, therefore, be said to diminish both

the power and the will to save among the common people, and thus to weaken one of the strongest incentives to sobriety and industry, and consequently to happiness. (Malthus 1992: 101)

The Victorians, then, associated the Poor Laws with a variety of undesirable character traits ranging from indolence and dependency to imprudence, drunkenness, and sexual impropriety. Indeed, in 1888 the Select Committee on Poor Relief declared that:

The out-door relief has a great tendency to make the poor more improvident than they are already; it indisposes them to take advantage of savings banks and provident clubs . . . it is very detrimental to the moral character of the recipients, it not only takes away their independence, but also has a very bad effect upon their relations; it prevents them from accepting their natural responsibilities. The children, for instance, learn to think that they have no responsibilities towards their parents, and that they need not take care of them in old age. And then, again another important evil is that it certainly acts . . . as a stimulus to population; persons are disposed to marry even with more improvidence than they do now, when they think at any rate they will have out-door relief for their children if they are in distress. (Quoted in Johnson 1986: 444-5)

It is perhaps a gloomy picture of human nature that says when work is not necessary to live people tend not to work, when having more children than people can afford to look after triggers support from others people tend not to exercise birth control, and when there

is charity from government there is no incentive to save for the future and no reason not to spend all day in the alehouse. Even so, it is a picture that endures in the work of the New Right. In one of the defining studies of the period, *Losing Ground: American Social Policy 1950-1980*, Charles Murray argued that reforms in American social policy – such as the introduction of AFDC (Aid to Families with Dependent Children) and a change of rules allowing families with unemployed husbands to claim AFDC – did not stop women having more children than they could afford to support and only succeeded in eroding among the poorest sections of American society the principles of hard work, individual initiative, and self-reliance.

Once it was assumed that the system is to blame when a person is chronically out of work and that the system is even to blame when a person neglects spouse and family, then the moral distinctions were eroded. The first casualty inevitably was the moral approbation associated with self-sufficiency. In the 1950s, the reason for “getting people off welfare” was to keep them from being drag on the good people – meaning the self-sufficient people – and to rescue them from a degrading status. It was not necessary to explain *why* it was better to be self-sufficient; it was a precondition for being a member of society in good standing. In the late 1960s, with the attack on middle-class norms and the rise of the welfare rights movement, this was no longer good enough. Self-sufficiency was no longer taken to be an intrinsic *obligation* of healthy adults. (Murray 1984: 180)

Much the same argument was later put by then President Ronald Reagan in his State of the Union message to Congress in 1986:

After hundreds of billions of dollars in poverty programs, the plight of the poor grows more painful. But the waste in dollars and cents pales before the most tragic loss – the sinful waste of human spirit and potential. We can ignore this terrible truth no longer. As Franklin Roosevelt warned 57 years ago standing before this chamber . . . welfare is “a narcotic, a subtle destroyer of the human spirit.” And we must now escape the spider’s web of dependency . . . I am talking about real and lasting emancipation, because the success of welfare should be judged by how many of its recipients become independent of welfare (quoted in Goodin 1998: 335).

If Murray and Reagan were right to claim there had been some erosion of American values during the 1950s and 1960s, the commitment of American politicians to these values has remained intact. Successive administrations in the United States have appealed to ‘the traditional American values’ in defending welfare reforms. In 1996, for example, the House of Representatives endorsed the Individual Responsibility and Work Opportunity Reconciliation Act of that year in the following terms:

The welfare system contradicts fundamental American values that ought to be encouraged and rewarded: work, family, individual responsibility and self-sufficiency. (quoted in Goodin 1998: 103n.10)

Perhaps it was a reflection of the electoral success of Reagan during the 1980s or a testament to the 'special relationship' between Britain and the United States during this period that Margaret Thatcher espoused a similar set of values for the British people. But if Thatcherism was characterised, at least in part, by an attack on 'dependency culture', the political trend in upholding individual responsibility as an important virtue has not significantly been reversed by New Labour in Britain. Tony Blair has likewise exploited the language of individual responsibility (taking the clothes of the Right) to place himself in a tradition of thought that extols hard work, delayed gratification, thrift and self-reliance. As he puts it:

Our vision is of . . . [a] society where more opportunities, and more choices, are matched by a greater responsibility on the part of individuals to help themselves.

(Blunkett 2001: vi)

The ideal of individual responsibility, then, has historically played a key role in political debates about the proper aims, scope, and workings of the 'the Welfare State'. On the surface that debate is about the best use of taxpayers' money and the most efficient ways to promote individual responsibility but the underlying normative issues are about the kind of society we want to live in and the values we hold dear. Understanding the importance of individual responsibility, therefore, involves understanding a range of complex issues including but not exhausted by justice. The

questions are these. What do we owe to each other? Which policies are in our best interests? How should we live? What kind of society is best?

I do not deny that luck egalitarians in arguing against flat equality have discovered an important truth about individual responsibility. But what I want to emphasise here is the rich intellectual history associated with this ideal. The point is not that justice provides an insufficient reason for extending the scope of individual responsibility and reducing the welfare state. Rather, the more subtle point is that we can offer a whole series of moral justifications for greater individual responsibility.

1.2 THE THESIS

Notwithstanding this last revealed intricacy, the thesis takes as its starting point a question about distributive justice. When and how far should individuals take responsibility for the disadvantages or misfortunes of their own situations themselves, and when, in contrast to this, is it right that society as whole, through the institutions of the State, take responsibility for remedying or mitigating these outcomes? I shall argue that in certain cases voluntary choice can provide a sufficient reason for assigning responsibility to individuals for the situations in which they find themselves. Few people seriously think, for example, that a person who chooses to quit a well paid job in order to relax on a beach somewhere for a few months should not be held personally responsible for at least some of his diminished income. Nor does it seem unfair that a person who

chooses to live near the San Andreas fault because property is cheap and he likes the wide open spaces should have to pay more for his home insurance to take account of the higher probability of earthquakes.

However, I shall also try to show that choice is not a sufficient condition in every case. From the fact that a person has chosen a certain course of action it does not necessarily follow that he or she should be held personally responsible for the consequences. For example, people give up work for a variety of different reasons. One person might take a less well-paid job to fulfil a lifelong ambition, or give up work to go to university. Another person might be looking after an elderly parent. Someone else might be waiting for a job suitable to his skills and experience. It is at least debatable in these cases whether a person should be held personally responsible for his or her diminished income. Similarly, consider the injuries suffered by police officers, fire-fighters, members of the armed forces, and so on, as they try to save lives and defend national security. Surely we do not think these people have no right to public assistance merely because they have voluntarily chosen to do this work.

Nor is it obvious that voluntary choice is a necessary condition of assigning consequential responsibility to individuals. From the fact that a disadvantage or misfortune is unchosen it does not follow that we should collectivise responsibility for the cost of relieving that disadvantage or misfortune. People often react from instinct to the situations they are presented with, or they fall into habitual patterns of behaviour. Yet we do not always say that individual responsibility is thereby abrogated. So even though the

criterion of voluntary choice offers a plausible starting point from which to begin explaining our intuitions about consequential responsibility, in many cases we need a more sophisticated account.

Some look to second-order preferences and attitudes for this additional bit of complexity. Dworkin, for example, alleges that we commonly draw an ethical distinction between circumstances and personality. We tend to think of our personal tastes, preferences, desires, ambitions, and so on, as defining our ends, whereas we see our income, talent, opportunity and so on, as defining the means we have at our disposal for achieving our ends. Because of this, it would, according to Dworkin, strike us as bizarre for government to offer compensation for unsatisfied ends. Now, in some cases it appears that Dworkin is quite right. Consider someone who sets out to develop champagne tastes precisely because he wants to ape the lifestyles of the rich and famous; he wants tastes the vast majority of people cannot afford to satisfy. It would surely destroy the point of these tastes for government to offer subsidy or compensation. However, not every expensive taste or preference can be described in these terms. At least in some cases it is not unreasonable that taxpayers should subsidise expensive tastes because of the arbitrary expense of the taste. This compensation is owed not in spite of the fact that individuals identify with these things but because it is unreasonable that they should have to pay more to get what they want through no fault of their own. Dworkin, then, fails to apply criteria of choice, luck, and personality consistently; this, at any rate, is what I shall try to argue.

That being the case, I should make it clear that I do not intend to dispute the relevance of facts about the genesis of people's disadvantages and facts about second-order identification. As I have already said, I believe voluntary choice can provide a sufficient reason for assigning some consequential responsibility to individuals in some cases. I also think second-order attitudes can help to ground individual responsibility in cases where choice is missing. Nevertheless, I do not think divisions of consequential responsibility can be determined exclusively by these reasons; not, that is, if we want them to be just.

What I propose, therefore, is an inclusive theory of consequential responsibility that supplements existing theories with an account of reasonableness, where reasonableness is understood in terms of striking a balance between many types of reason including but not exhausted by the choice/luck distinction and personality. The following types of reason are explained and defended in chapter 5.

- I. The distinction between choice and luck.
- II. Whether or not an agent identifies with his tastes and preferences.
- III. Special responsibilities.
- IV. Desert.
- V. Concerns about free-riding.
- VI. Sufficiency.
- VII. Maximin.
- VIII. Simple equality.

IX. Utilitarian reasons.

X. Prioritarian reasons.

However, there is a further issue I intend to explore. Concentrating solely on recent egalitarian literature can give the impression – false in my view – that reasons of justice are the sole reasons why it makes a difference that we make the right divisions of responsibility. Or if not the sole reasons, then self-evidently the most important reasons. Nevertheless, a second aim of my thesis is to try to motivate the claim that justice is not the only value which supports making the right divisions of responsibility and perhaps not even the decisive value. For example, even a brief survey of the literature on social welfare policy over the past two hundred years or so reveals a number of grounds for promoting individual responsibility not least human flourishing (the idea that doing everything in one's power to be self-reliant is part of what it means to lead a flourishing human life) and autonomy (that taking control of one's personal ends by adjusting them over time to fit one's changing circumstances is a valuable exercise of autonomous choice).

Once we accept a pluralistic view of the value of individual responsibility, however, we open up the possibility of value conflict. The result is that we require either a way of balancing competing reasons of justice and values that appear to support a different approach to responsibility or else rules that tell us the order of priority between these reasons and values. The position I shall try to defend is that it is difficult to develop non-arbitrary priority rules at the level of first principle and so it should be regarded as rightly

a matter for each society to decide (through democratic decision-making) exactly how much weight is given to different reasons and values at any given time. This, however, must take place within a framework in which some weight is given to all relevant reasons and values. My hope is that understanding more about the diverse rationales for individual responsibility will lead to a more sophisticated theory of the subject matter against which to assess current welfare systems around the world. In summary, my overall aim is not to undo the work that other writers have done in defending responsibility-catering egalitarianism, but to show the ideal of individual responsibility in its true light and to explore its normative bases and implications for public policy in more depth than has previously been done.

So much, then, by way of general introduction to the key arguments of the thesis. I now want to briefly explain how it is structured. In chapter 2 I clarify the concept of individual responsibility. Here I survey contemporary uses of the language of individual responsibility in philosophy, politics, law, social policy, applied ethics and ordinary discourse, to find shared senses. I start by looking at how the words ‘personal’ and ‘individual’ qualify ‘responsibility’, and then consider some of the various disadvantages for which individuals might conceivably be held responsible. Finally, I shall distinguish different senses of responsibility, and try to highlight two senses most relevant to issues of social justice and welfare: consequential and preventive responsibility.

In chapters 3, 4, and 5 I critically assess three theories of consequential responsibility. Chapter 3 focuses on the principle that inequalities arising out of voluntary choices

should be borne by the agents themselves and so do not raise a case for redistribution. To test this principle I start by looking more closely at so-called cases of ‘voluntary unemployment’. I consider various kinds of people who do not work for a living even though they are of working age and generally thought to be capable of holding down a job in a time of no particular shortage of opportunity. I argue that in many such cases it is misleading to say that a person made a conscious decision to remain unemployed, but nevertheless it may be right to hold him or her personally responsible and deny welfare benefits. In this chapter I also take up cases of people who even though they do make a ‘deliberate choice’ to operate outside of the traditional labour market (such as non-wage-earning carers). I shall argue that they still might have a reasonable claim to taxpayers’ money on the strength of the contribution they make to society. Chapter 3 also investigates cases where individuals put themselves at risk of disease or personal injury – people who, for example, increase their chances of contracting certain diseases by smoking, and people who risk serious injury because they engage in dangerous professions and pastimes. Again, I shall try to motivate the claim that a just result cannot be determined solely by looking at the choices people make in accepting risks they could avoid, but should also consider the usefulness to society of the behaviour in question.

Chapter 4 enquires into the role of second-order attitudes in theories of consequential responsibility. This chapter focuses mainly on Dworkin’s argument that people are rightly held consequentially responsible for their happiness and preference satisfaction by virtue of the fact that most people ordinarily identify with their personal ends. Following Dworkin’s article, “Equality of Welfare”, I am going to focus the discussion around the

example of Louis who develops expensive tastes he cannot afford to satisfy. I will argue that although Dworkin is correct in saying that it is bizarre to compensate people for having expensive tastes if they develop those tastes because they are expensive, it is important not to read too much into this insight. Some individuals should have access to subsidy because through no fault of their own the things they dislike are cheap and the things they like expensive – tastes and preferences with which they identify but should not be penalised for doing so.

In chapter 5 I shall argue that reasonableness has a crucial role to play in the way consequential responsibility is assigned. Though a number of writers seem committed to some version of reasonableness, I shall argue that the most appealing conception focuses on what can be justified to people on the basis of a balance of reasons, formal and normative. I shall distinguish between ‘formal’ and ‘inclusive’ theories of consequential responsibility. Following on from this, I try to cash out some the criteria of responsibility that I believe are wrongly ignored by formal theories. I then explore how these reasons are to be balanced and attempt to motivate the idea that policies of shared responsibility are often the right way of balancing the reasons at any given time. Then, returning to the examples considered in chapters 3 and 4, I try to motivate the case for the inclusive approach to consequential responsibility. Here I draw some conclusions about what justice requires under this approach and try to explain why inclusive theories offer a better fit with common intuitions about consequential responsibility than formal theories. Finally, I consider some possible replies on the part of the choice theorist.

In chapter 6 I move beyond narrow issues of justice and look into some other possible reasons why we care about, or should care about, individual responsibility. I examine the claim that we should promote individual responsibility because it is part of a good human life. I also explore possible conflicts between the strict demands of justice and the good life. I will not attempt to discuss every possible source of tension, but I do want to give some examples of value conflict that are striking. These are, firstly, that it could be desirable to encourage people to be more self-reliant, to delay gratification, and to adjust their personal ends in the light of change even though strictly speaking it is not unjust for them to claim extra resources, and secondly, that sometimes it is desirable not to force people to bear the adverse consequences of their past choices so that they might be better able to assume responsibility or lead a more responsible life later on. In this chapter I also say something in general terms about how we balance these different responsibility-catering values.

Finally, chapter 7 considers further difficulties which inevitably arise when trying to implement the various reasons and values discussed. At the level of public policy we can no longer be concerned exclusively with the right and the good but must also take into account what is feasible as defined by such as issues as cost, efficiency, and political will. Clearly it is a matter of tremendous complexity which policies will be feasible for a country, given its particular economic, social and political circumstances. But I think political philosophy can fulfil an important function even here in terms of making clear the different policy options, clarifying both the moral and practical considerations in play, and seeing how these considerations bear on specific policy issues. The issues I am going

to consider range from general questions about the proper limits of state intervention and the basic functions of government to particular problems with specific policy proposals such as whether there should be eligibility tests for unemployment benefits given that these can have harmful unintended consequences for those incapable of work, and the principle that sometimes it is more efficient to prevent disadvantage than impose consequential responsibility for it.

1.3 METHOD

So far I have outlined the main arguments of the thesis and briefly described how the chapters are structured. I now want to take up one important question of method. We have seen that there are different theories about when it is right to assign consequential responsibility to individuals for the situations in which they find themselves, and when, on the other hand, it is right to assign responsibility to citizens as a collective body. This calls forth a question about how principles of consequential responsibility are to be justified: what rational arguments can be put forward in support of principles of consequential responsibility?

It is worth pointing out that philosophers do not always disagree about how principles may be justified. In fact, most of the writers discussed in my thesis share the view that people are moral equals and so have a right to equal concern from the State in matters of distribution. And most of these writers, if not all, think it a proper aim of political

philosophy to try to elucidate a set of principles that best capture this ideal. Other things remaining equal, egalitarians endorse whichever principles lay strongest claim to treating citizens as equals (see, for example, Dworkin 1981a: 185; 1985: 205; 2000: 2; Cohen 1989: 908; Rakowski 1991: 19; and Anderson 1999: 289).

However, even if there is broad agreement over how principles may be justified, the difficulty remains that each of these writers defends a different egalitarian conception. Whereas Cohen believes that eliminating involuntary disadvantage is most in keeping with a society of equals, Dworkin and Rakowski have argued that this approach ignores relevant facts about people's second-order preference and attitudes, which facts support a case for greater individual responsibility. Anderson, on the other hand, claims that leaving individuals to bear the misfortunes of their own situations themselves (in the ways proposed by Rakowski) can be objectionable from an egalitarian point of view. In addition to this, both Rawls and Dworkin believe that a just society is regulated by principles that are acceptable to free, self-interested agents placed under hypothetical conditions of equality. For my part, I hope to motivate the claim that a just division of consequential responsibility is one that can be justified to all citizens on the basis of a balance of reasons. Each of these developments begins with a claim that people should (or should not) be made more equal in certain respects and proceeds, by counter example, to the opposite claim that in a society of equals people would not (or would) be more equal in those respects.

It is not news that people disagree about equality. Perhaps nobody seriously denies that governments should endeavour to treat all citizens as equals, but when it comes to substantive issues, such as economic equality (say), there are as many interpretations of what it means to treat citizens as equals as there are moral theories. Utilitarians believe that the State ought to serve 'the greatest good of the greatest number', with the proviso that 'each person is to count for one, none more than one'. Some Utilitarians make the further claim that the best way to produce the greatest good of the greatest number is to distribute income and wealth more equally. This has to do with the diminishing marginal utility of income and wealth (see, for example, Arrow 1971). Rawlsians, on the other hand, do not think that all inequalities are bad. Rather, inequalities should be arranged so that they are both to the greatest benefit of the least advantaged and attached to offices and positions open to all under conditions of fair equality of opportunity. Luck egalitarians also do not believe that all inequalities are bad. Nevertheless, they view the primary egalitarian goal as making the distribution of benefits and burdens sensitive to individual choice but insensitive to brute luck. In contrast to this, libertarians believe that everyone has rights and there are things that no person or group of persons may do to them, such as interfering in the distribution of income, without violating their rights.

Hence, it might be a little over-optimistic to think that we can identify a correct theory of consequential responsibility just by appealing to the idea of a society of equals. But if writers do disagree over which particular interpretation of the cut between individual and collective responsibility best satisfies the ideal of a society of equals, what else can be said to support one theory over another?

An additional criterion for judging the best theory is simplicity. Other things remaining equal, it is better to have a theory whose terms can be fully specified from the start than one whose terms are fleshed out differently in each application. This has to do with the inherent methodological elegance of a simple theory. Simplicity alone, however, is not enough for rational justification. Suppose we have two theories, one simpler than the other, but only one theory that fits our intuitions about right and wrong. Should we accept as the best theory the one which is simpler or the one that is more accurate? Surely the more important basis on which to judge the best theory is truth. So how do we know if a theory is true?

A theory, if true, should confirm certain things we already know about consequential responsibility. One thing we think we know about consequential responsibility is that sometimes it is right to hold individuals responsible for the situations in which they find themselves and sometimes it is right for society as a collective body to remedy or mitigate these situations. So, if it turned out that no person should ever be held personally responsible for any situation because the reasons that warrant such assignments never obtain under the proposed theory, then we would have grounds for questioning the truth of that theory.

A second thing we know about consequential responsibility is that there is often disagreement among citizens and politicians about who should be held personally responsible and to what degree. A theory, if true, therefore should also be able to explain

why there is disagreement and whether there is hope for agreement once all of the arguments have been brought out into the open and each side has had a chance to clear up any misunderstandings that might be present. Of course, some of the facts might be subject to fundamental, irresolvable dispute and so there is no prospect of agreement. But then a true theory should be able to accommodate this too.

Finally, perhaps the most important requirement of a true theory is that it should be supported by both general beliefs and specific intuitions about the right way to divide consequential responsibility. Finding out when, and to what extent, a theory is true, in this sense, is a matter of discerning what the theory claims (or implies) about consequential responsibility across a broad range of different cases, and reflecting upon how well it satisfies our moral convictions. A true theory says of a person that he should be held personally responsible for the situation in which he finds himself and it is evidently right that responsibility is assigned in this way under these conditions.

Consulting moral intuitions is, of course, not an exact science. Nor is it intended to be so. Indeed, sometimes the point of moral theory is to be revisionary. Nevertheless, consulting moral intuitions does have some subtleties that might be worth pointing out. Unreflective beliefs about how consequential responsibility should be assigned provide a good starting point for philosophical theory. Perhaps most people would initially agree with the claim: 'Individuals should pay for the choices they make.' The merit of looking at moral intuitions, however, is that we can test unreflective beliefs against specific cases. And so, to test the principle that individuals should pay for the choices they make, I will

consider a number of people (both real and fictional) whose circumstances might raise a case for remedy or mitigation. In addition to this, I will consider welfare systems around the world (which systems incorporate various practices of, and attitudes towards, consequential responsibility) and see whether they honour the principle. Finally, I look at the concept of responsibility as it is viewed in other spheres of justice, including criminal and tort law, and ask whether there is an analogy with the principle that choice should be the operative factor in deciding responsibility. Taken together these intuitions should help either to justify the principle or show how it is defective in certain respects.

In reply, some might argue that it is worthless to try to appeal to considered intuitions in this way. One reason is that considered intuitions are not impartial. Surely our intuitions are influenced by the particular theory we already think is right. And even if we begin the process with no firm beliefs, we are bound to form prejudices on the basis of the first few cases we consider, which prejudices affect our reflections on other cases. A second and related concern is that other people may not share my intuitions. Who is to say that my set of intuitions is correct and another set mistaken? A final worry is that in some instances we are being asked to pass judgement on fictional cases. But how can we have any firm intuitions about what is not real?

I do not deny the foregoing difficulties. It is something of an occupational hazard for moral and political philosophers that moral intuitions are not indubitable. Nevertheless, I hope I have at least two reassuring things to say in response to this scepticism. The first point is that I will try to focus only on those examples where I think judgements about

right and wrong are most durable and manifest. In short, I plan to present the strongest possible evidence for my interpretation of right and wrong, good and bad. The second point is that even in those cases where there is no obvious or shared set of intuitions *ab initio*, I aim to delve into the truth of the matter in such a way that those who may have been disposed to form a different judgement, because they hold a different theory from the start, will be persuaded by my arguments and be converted to my way of thinking.

2 WHAT IS INDIVIDUAL RESPONSIBILITY?

To say that individuals bear responsibility for the success or failure of their own lives can, at first sight, appear so plain as to require no further analysis. The truth is otherwise. The language of individual responsibility can be, and often is, used in a variety of different contexts, to make subtly different points about why people find themselves in difficult situations, what society owes to such people and how they should behave. And even if the logical differences between individual and collective responsibility are relatively clear, the word ‘responsibility’ itself presents numerous well-known conceptual ambiguities. The task of the present chapter, then, is to engage in some much-needed clarification of the idea of individual responsibility: to explore its underlying nature and various uses; and to try to distinguish it from other kinds of responsibility.

2.1 ‘INDIVIDUAL’, ‘PERSONAL’

‘It is the responsibility of the individual’, ‘the individual should be held responsible’, ‘there should be more personal responsibility’ – these and similar expressions play an important role in politics, social policy, political philosophy, and ordinary moral discourse. But what do they mean? Let us begin with the words ‘individual’ and ‘personal’. What additional connotation do these words convey when combined with the word ‘responsibility’?

Two things are worth making clear. Firstly, if we believe that individuals bear a special responsibility for the success or failure of their own lives, we need a form of words that will highlight this fact. This appears to be one function of the word 'individual' or 'personal'. These words link the person with his or her *own* situation. They place emphasis on the fact that someone is responsible for the success or failure of his or her own life, or some feature of his or her life, such as health, welfare, or prosperity, as distinguished from the life of some other person or group of persons.

Secondly, the words 'individual' and 'personal' point to the fact that responsibility is not shared with other people. So, when I am individually responsible for certain features of my life, this generally means that no other person or group of persons is responsible *for me* in quite the same way or to the same degree. Individual responsibility differs in this respect from a responsibility that is shared with others. When a parent is responsible for the care or welfare of a child, for example, it is generally assumed that this responsibility is shared with the other biological parent; provided, that is, he or she is fit to assume this role. In contrast to this, a collective responsibility is shared by a number of individuals, sometimes within a close integrated community but also within large disparate societies.

The distinction between individual and collective responsibility is useful because it offers a way of framing questions about when and how far it is right that individuals take responsibility for the disadvantages of their own situations themselves and when, in contrast to this, it is right that society should try to remedy these disadvantages. Take the example of the eruption of a volcano believed to be extinct. The event is so unlikely,

catastrophic and indiscriminate in its consequences as not to be covered by any insurance policy. As such, it might be fitting for society at large to assume collective responsibility for helping the victims (see Rakowski 1991: 80n.9). On the other hand, some dangers are associated with a particular habit or lifestyle and are neither rare nor unforeseeable. This is perhaps true of the risks associated with smoking. In these cases it might be more appropriate to speak of individual responsibility.

Having made this distinction, however, the first thing I should emphasise is that there are degrees between individual and collective responsibility. Consider the policy of subsidising the efforts of single unemployed mothers to work for a living by offering free child-care. Some might argue that because these women are not financially independent from government, then strictly speaking they are not taking full responsibility for their own livelihoods. But if somebody increases her skills and re-enters the job market, and as a consequence of this is able to earn enough money to pay her own living expenses, it seems perfectly reasonable to claim that she has achieved a degree of individual responsibility that someone who fails to do these things, but instead lives off handouts from government, has not achieved.

A further intricacy is that individual responsibility can be linked instrumentally with collective responsibility. It is possible, for instance, for a society to accept collective responsibility for the welfare of all of its members, but to do so on the basis that each individual is in the best position to judge what makes him or her happy and to strive to achieve that end. In this scenario, holding individuals responsible for the success or

failure of their own lives, measured in these terms, is justified as the best way of meeting a collective responsibility for welfare (see, for example, Goodin 1998: 147).

Instrumental justifications for individual responsibility, however, are contingent on circumstances: the justification becomes void if individuals are actually made worse off. So, for example, if a society tried to encourage individuals to take responsibility for earning their own means of subsistence, as a way of meeting a collective responsibility for care, but found that many did not take this responsibility, then the collective responsibility would require a safety-net which guaranteed a minimum standard of living for all individuals. In this case we might say that the society in question accepted an 'ultimate' or 'final' responsibility for the success or failure of people's lives.

What else can we say about individual responsibility besides that it is contrasted with collective responsibility? Individual responsibility is often identified with the ideal of self-reliance. To take responsibility for the success or failure of one's own life, in this sense, is to use one's own talents and resources to meet one's needs; to take steps to look after one's own interest without relying on others for help. Self-reliance may seem like an attractive ideal but much depends on how strictly it is defined.

A State-organised social insurance scheme, for example, offers people the chance to look after themselves. It enables everyone, even the poor, to indemnify themselves against certain misfortunes by paying into a central fund, from which they can benefit if they need to. On the surface, this appears to be something that we should value.

However, some argue that in reality what these types of schemes do is encourage people to think of their own welfare as the responsibility of someone else. The reliance on other people may be mutual, but it is nevertheless a form of dependency, mediated by government. On the other hand, there is a way of interpreting the ideal of individual responsibility that says people should take care of themselves independently of others and government. In the United States, for example, there is a strong tradition of robust self-sufficiency and rugged independence from government (Digby 1989: 15-16).

The American interpretation may well take the ideal of individual responsibility too far. But there is also a danger of not taking that ideal far enough. For example, there is a way of viewing individual responsibility that says if someone refuses to work because she can access more income from government by not working, then she is taking responsibility for her own success or failure: she is doing what she needs to do to make herself as well off as possible. Yet I think that this interpretation falls far short of most people's ordinary understanding of individual responsibility.

The modern connotation of self-reliance, then, is for individuals to be self-sufficient wherever possible, and not to depend on others for help, especially not government. However, it is perhaps worth at least mentioning that in the past the virtue of self-reliance was equally associated with not relying on divine intervention. Aesop's fable of Hercules and the Wagoner, quoted at the beginning of this investigation, illustrates this very well. When a farmer's wagon becomes stuck in the clay, he drops to his knees and begins to pray for Hercules to come and help him without making the least effort to move the

wagon himself. Hercules responds by telling him to lay his shoulder to the wheel and reminds him that heaven only helps those who help themselves.

A further interesting feature of policies that cater to individual responsibility is the possibilities that it might in some cases be preferable to waive personal responsibility at T1, so as to make a person abler and more likely, to take responsibility at T2. For example, in 1996 then President Clinton signed an executive order mandating that young mothers receiving AFDC should sign a 'personal responsibility agreement' promising to remain living with parents and to stay in school (cited in Goodin 1998: 136). On the surface it would seem that staying at home and not going to work is a way of abdicating responsibility. As Goodin puts it:

A young adult's remaining in the parental home is ordinarily seen (and rightly so) as prolonging dependency on parents, as shunning the responsibility that comes with moving out and setting up house on one's own. (Goodin 1998: 137)

Even so, there is an alternative way of seeing this agreement, as something that puts these young women in a better position to take personal responsibility for their own lives in the long term.

I trust we now have at least a basic grasp of the language of individual responsibility. I now want to explore some of the different ways this language is used in political discourse, and try to distinguish some different concepts of responsibility.

2.2 DIFFERENT KINDS OF RESPONSIBILITY

We begin with a familiar distinction in political philosophy between descriptive and prescriptive statements. The notion of individual responsibility can be, and often is, used to make, on the one hand, statements of fact, or what purport to be statements of fact, about why people find themselves in certain situations, and, on the other hand, normative statements about what people may be owed if they find themselves in difficulty, and what they ought to do to get themselves out of trouble. The basic difference is between saying that a person is responsible for a situation in which he finds himself and saying that he should be held responsible for that situation. However, even within these two broad groups there are different kinds of responsibility, and this is what I shall examine now.

I. Consequential responsibility

Sometimes people do things (or fail to do things) that lead them to face dangers and disadvantages that other people do not face. Smokers face an increased risk of certain diseases, and there is a material cost if they want to remedy or mitigate the burden in bad health and low life expectancy; people who develop a taste for the finer things in life can face an existence with less preference satisfaction than people with more modest tastes;

beach bums tend to have less income than accountants. These examples signal the following question, of distributive justice:

When and how far is it right that individuals bear the disadvantages or misfortunes of their own situations themselves, and when is it right, on the contrary, that others – other members of the community in which they live, for example – relieve them from or mitigate the consequences of these disadvantages? (Dworkin 2000: 287)

At first glance consequential responsibility appears to be quite straightforward. Consequential responsibility is placed with individuals when they are expected to get themselves out of trouble or else bear the disadvantages of their own situations themselves. On the other hand, consequential responsibility is placed with society as a collective body when other members of the community are expected to deal with these disadvantages. Yet consequential responsibility can mean different things in different situations, and so we need to draw some further distinctions.

When individuals are held responsible for the success or failure of their own lives this can mean that they are responsible for remedying the situations in which they find themselves, for getting themselves out of trouble. Remedial responsibility, therefore, is about putting a bad situation right. What does this mean? In some cases it might be possible for individuals to return things to the *status quo*. If a person is made redundant, for example, then, at least in theory, he can remedy the situation by getting another job.

However, it is not always possible to return things to how they were before. Some ills are such that individuals cannot help themselves directly. And some ills are such that at best all we can hope to do is mitigate the consequences.

Mitigative responsibility, therefore, is a responsibility to assuage a bad situation, which can be done either by making the relevant disadvantage slightly better or by doing something else that in some sense makes up for the disadvantage. Consider one illustration. Even if responsibility for primary care falls on hospitals and clinics, one way of holding smokers responsible for the consequences of their actions is by requiring them to pay for their own medical treatment. If doctors do not catch smoking-related diseases at an early stage, however, they may well be unable to cure the individual, to return things to how they were before. So the best they can do is treat the symptoms and slow down the onset of the disease. In this case, then, the individual takes responsibility for the costs of others trying to mitigate his or her disadvantage. Individuals might also be able to mitigate the effects of the disease by following medical advice. So again, in that sense, mitigative responsibility falls on the individual.

It is important to recognise, however, that even if society does bear remedial or mitigative responsibility towards a certain type of disadvantage, this does not imply that there has been some kind of failure or wrong doing for which reparation is owed. Suppose, for example, we think that society has remedial and mitigative responsibilities towards the disabled. We do not have to focus on people that have been harmed by

human malpractice, such as victims of thalidomide, to defend this case. It might be that society has a general responsibility to remedy or mitigate the consequences of bad luck.

It is a further question at what point individuals might be expected to pay for remedy or mitigation. There are different examples, but certainly smokers can be asked to pay for the risks they take either before things turn out badly (*ex ante*) or after things turn out badly (*ex post*). Most writers seem to agree that smokers should be compelled to pay *ex ante*. Hence, it has been suggested that smokers ought to pay an additional sum for each packet of cigarettes to cover the extra medical costs of treating smoking-related diseases (see, for example, Anderson 1999: 328). The basic idea is that people who take risks should have to pay the expected costs of their risk-taking rather than the actual costs (Le Grand 1991: 97-100).

This general strategy appears to have two main benefits. The first is that it abstracts from brute luck. Suppose two people take similar risks with their health, but only one suffers any bad consequences as a result. It seems much fairer in this type of case to require both individuals to pay up front, before any bad situations actually arise. In this way the individual has to pay for his or her behaviour irrespective of luck (see Arneson 2001: 85-86).

A second argument in favour of an *ex ante* strategy is that fewer people will end up in a situation where they urgently require assistance but are unable to pay for it. If we cannot rely on people to pay for their follies after the event, because some will not have

enough money to do so, a system of compulsory insurance (say) means that we can uphold the ideal of individual responsibility, but at the same time ensure that people who get themselves in difficulty receive the help they need.

This last point raises a further question about the limits of legitimate government interference. It might be better for individuals to pay for the consequences of their actions before things turn out badly, but this kind of interference stands in need of justification, and may be illegitimate. Consequently, government may not have the right to force individuals to pay before they require and ask for medical treatment. This is an important issue, which I shall continue to investigate in chapter 7.

On the other hand, the logical consequence of government not interfering *ex ante* is that some individuals may be unable to pay for their treatment, neither at the time nor at a later date. Hence, a further way of placing responsibility with individuals, in a consequential sense, is simply for government to do nothing. When government holds individuals responsible in this way it merely insists that they have no right to help, no official effort is made to remedy or mitigate the ill. These are cases in which folly punishes itself, where individuals bear the consequences of their actions by virtue of the fact that governments sits back and allows the natural turn of events to run its course, and does not intervene to ameliorate bad.

Refusing to treat individuals with smoking-related diseases is perhaps an extreme example of this but there are other, perhaps more familiar, cases. Individuals who are

unemployed, for example, low-paid or non-wage-earning, are often held responsible for the consequences of their actions simply by government not offering them additional income. Individuals in this situation may have to take out personal loans or depend on friends and family or learn to cope without a regular source of income. But the bottom line is that taxpayers do not bear the burden.

II. Liability responsibility

Consequential responsibility has been an organising motif of a great deal of work on distributive justice over the last twenty-five years or so. But without proper clarification, it is easy to confuse it with other kinds of responsibility. One distinction that I believe Anderson fails to draw is between consequential responsibility and liability responsibility. To illustrate, in her article, “What is the Point of Equality?”, Anderson discusses the case of ‘an uninsured driver who negligently makes an illegal turn that causes an accident with another car’ (Anderson 1999: 295). According to Anderson, luck egalitarians believe that it would be just for an ambulance teams to leave him to die at the side of the road for they have no obligation to save him. She claims that is an undesirable implication of the luck egalitarian interpretation of consequential responsibility. But Anderson’s description of the case does not end there:

If the faulty driver survives, but is disabled as a result, society has no obligation to accommodate his disability . . . It follows that the post office must let the

guide dogs of the congenitally blind guide their owners through the buildings, but it can with justice turn away the guide dogs of faulty drivers who lost their sight in a car accident. (Anderson 1999: 296)

Yet I do not see how Anderson can sustain this further implication of the luck egalitarian position. This becomes plain if we reflect on the basic difference between consequential responsibility and liability responsibility.

Whilst both consequential and liability responsibility are concerned with the just distribution of benefits and burdens in society, there is an important difference between the two. Consequential responsibility is essentially about holding individuals responsible for the success or failure of their own lives. In contrast to this, liability responsibility is about being responsible for an act (or omission) that carries with it liability for some further punishment or sanction. This has to do with deciding what further burdens to impose on individuals to reflect the fact that they have behaved in ways that are deemed unacceptable by society at large. Now it may be that as a result of his accident, the injured driver will incur a number of costs he did not previously face. He might need to take lessons in reading Braille, buy specialist audio equipment, purchase a guide dog, and so on. And I think that these costs are plausibly described as part of the consequences of the situation that his actions created. Yet it is difficult to see how the same could be said about Anderson's suggestion that government-owned post offices could turn him away with justice.

Perhaps the situation would be different if his presence in these building caused an additional cost or burden to the staff. Maybe then it would be appropriate to ask him to bear these costs. But in reality most public buildings already have plenty of staff and facilities to cater for the special needs of the blind. In fact, it would probably cost the post office more money to pay specially trained members of staff to stand guard to check who is congenitally blind and who is blind as a result of faulty behaviour.

If we did believe that it would be just to turn him away from government buildings or to discriminate against him in some other way (such as if a person is passed over for a position or office because of the genesis of his disability) or to exclude him or her from society – I am not saying we do believe this, but if we did believe this – then surely the most natural way to explain, and try to justify, this policy would be to say that his actions rendered him liable for these sanctions. He made an illegal turn and was driving without insurance. So the justification for these sanctions, however misguided we think that justification is, would be that it is unacceptable to put other people at danger through this sort of behaviour and some form of deterrent is needed to dissuade others from behaving similarly.

Why is it important to make this distinction? Because we are seeking an understanding of implications of individual responsibility and to do this we require an accurate account of the concept of responsibility in play. According to Anderson, luck egalitarians believe that 'assuming everyone had an equal opportunity to run a particular risk, any outcomes due to voluntary choices whose consequences could reasonably be

foreseen by the agent should be born or enjoyed by the agent' (Anderson 1999: 295). However, not everything Anderson attributes to luck egalitarians can tolerably be attributed to that principle. What she says about the negligent driver seems more appropriate to the concept of liability responsibility.

The distinction between consequential responsibility and liability responsibility can be further illustrated with the case of the idle. In the past some writers have advocated punitive measures in dealing with the problem of homeless begging. In his proposals for the relief of the poor, for example, Locke argued that local guardians should be given the power to deal with the idle by sending them to work houses or overseas (see Locke 1993: 460). Whatever one thinks about these proposals – my own view is that they violate people's human rights – one thing I hope is clear by now is that they go far beyond anything the idea of consequential responsibility would demand. Even if we believe that the idle should be held responsible for the consequences of their actions, this implies, at most, that they do not have a right to money from the State.

III. Blame responsibility

Another distinction that should be borne in mind is between consequential responsibility and blame responsibility. Blame is attached to people when they are responsible for some kind of moral wrong or misdeed. Blame responsibility is primarily expressed through moral criticism or condemnation of the agent, but is often

accompanied by an expectation that the offending agent should offer an apology, make amends or at least feel guilty for his or her behaviour. Why is it important to separate consequential responsibility from blame responsibility?

The distinction is important not least because: (1) it can be just to hold someone consequentially responsible for a situation in which he finds himself without it being the case that he is morally blameworthy, and (2) it can be morally fitting to blame a person for his actions but not necessarily right to leave him to bear the consequences. By way of illustration of the first point, consider a person who is aware of the fact that skiing can be a dangerous pastime but who nevertheless enjoys the sensation of sliding down alpine slopes, so much so that he is prepared to take the risk. We might, with justice, hold him responsible for part of the costs of mountain rescue team and for any medical attention he might need in the event that he injures himself, but this does not mean that he is morally blameworthy. It might be his choice to take these risks, and perhaps he cannot reasonably expect others to pay, but it does not follow from this that he deserves blame.

As an example of the second point, consider a 60-year-old factory worker who has smoked for 40 years and has inadequate medical insurance. Suppose he is aware of the risks, but has never been too bothered about how much of his income goes on cigarettes and how little health insurance he has. Perhaps it is open for others, not least his wife, to criticise his recklessness. So he is blameworthy in that sense. But it is at least questionable whether justice would be served by leaving him without adequate medical care if he became sick.

A related point about consequential responsibility is that merely by saying that someone should be held responsible for the consequences of his actions nothing is implied about whether or not he or she has behaved irresponsibly. Sometimes the word 'irresponsible' is used to describe people or actions that are imprudent. But this usage can be misleading. If we describe a person as behaving 'irresponsibly' it is generally because we think there are hidden negative consequences for other people. To take one example, consider the free climber who sets out on his own to scale an extremely unstable rock face. If someone claims that his actions are irresponsible, then it seems they have in mind not the possible injury or death of the climber himself, but the hidden consequences that his actions might have for others. These consequences might include: the fact that the mountain rescue team might have to put themselves in danger to save him; the fact that he could trigger a land slide that threatens villages lower down the slope; the fact that he has a wife and children to support, which he will be unable to do if he dies.

I have written that blame and consequential responsibility can come apart. Yet I do not deny that sometimes (perhaps often) blame and consequential go together. Consider the case of an ambulance team who are only able to carry one person to the hospital and must decide between the negligent driver and the innocent pedestrian. Aside from standard considerations about saving children before adults, and giving priority to those who are more likely to benefit from help and so on, a further reason that might enter into the ambulance team's reasoning is consequential responsibility. They might think that

the driver is rightly held responsible for the consequences of his actions. But if they are morally sensitive, they might also strongly blame the driver for his actions.

To recap, I have introduced three kinds of responsibility: consequential, liability and blame responsibility. Initially, the difference between consequential, liability and blame responsibility is due to substantive dissimilarities in the ways individuals are held responsible. If consequential responsibility has (partly) to do with attributing responsibility for personal disadvantages and misfortunes, then liability responsibility involves the imposition of punishments and sanctions for behaviour that society deems unacceptable, and blame responsibility involves the moral condemnation of wrongful actions and character traits. That being said, there are also likely to be differences between the specific criteria for holding individuals responsible in each of these ways, which differences depend on the particular aims and considerations that favour holding individuals responsible in these different ways. For example, it may well be fitting to punish an individual for breaking the law, even if he was very young at the time or in the grip of an addiction over which he had no control. And it may be appropriate for government to compel person A to compensate person B if A caused harm to B, even if the harm was neither intended nor foreseen. But it might be less appropriate to hold a person either morally or consequentially responsible for his actions if he was very young or out of his mind or had not understood what he was doing. The distinctions do not end here. It is perhaps suitable to morally condemn a person for his unruly behaviour, and to hold him liable to punishment if it is sufficiently bad, even if his behaviour resulted from his troubled upbringing. But these factors might call into question the justice of holding

him consequentially responsible for the fact that he has no qualifications and cannot get a job.

It is a weighty theoretical enterprise to fully compare and contrast these different criteria of responsibility and identify all the similarities and dissimilarities. However, since this enterprise has been expertly undertaken elsewhere in the literature, it will not be taken up any further here (see, for example, Hart 1968: ch. 9; and Scanlon 1998: ch. 6). The main business of this investigation is to explore possible criteria for assigning consequential responsibility to individuals.

IV. Causal responsibility

One logical place to start thinking about whether or not individuals should be held responsible for the situations in which they find themselves is by working out the causal connection between their acts (and omissions) and those situations, which introduces into the discussion descriptive uses of the idea of individual responsibility.

Consider the vexed issue of poverty. Because they believe that poverty typically results from opportunities spurned rather than opportunities denied, some politicians and social commentators seek to individualise the causes of poverty. They will say: 'The poor are responsible for their own situation', 'it is their own fault.' Others, however, believe that poverty is not the responsibility of the individual, that it has other causes. So they

might say: 'The system is to blame', 'it is the responsibility of everybody that some people are poor.'

Judgements of causal responsibility, however, can be problematic in a number of different ways. One problem concerns counter-factual causes. Suppose someone neglects to take rudimentary safety precautions whilst engaged in some dangerous sporting activity and suffers a serious head injury as a consequence. Were it not for his failure he probably would not have suffered the injury. Nevertheless, there may have been things that other people could have done to prevent the injury. Had a government agency been set up to supervise those engaged in this activity, for example, he might not have been injured.

A second problem arises when there are, in fact, multiple causal factors. There can be many causes of a person's being unemployed, for example. Suppose someone does not make much effort to attend his local job centre, which apathy greatly decreases his chances of finding work. This surely is one cause. Nevertheless, suppose the local job centre is poorly managed and does not have much useful information on job vacancies. Here is a second cause. Now imagine that there are very few job opportunities where this person lives. This is a third cause. And finally, suppose he is in a minority that finds it difficult to gain the acceptance of employers. Another cause. We are then faced with a difficult question: which is the 'real' cause of his unemployment?

A third problem occurs where there is causal distance between the actions of the agents and the relevant consequences. Consider again the example of the person injured whilst engaged in a dangerous sporting activity. Suppose whilst recovering at home from his head injury, our hapless sportsman stumbles over a table leg, falls to the floor and seriously damages his back, resulting in his being forced to give up work as a manual labourer. Welfare officials will now have to make a judgement about whether this secondary consequence (the fact that he has injured his back) is proximate to the original negligence in a way that justifies holding him responsible.

Even if these difficulties could be overcome with additional theory, it is still uncertain whether causal responsibility offers a plausible reading of consequential responsibility. On the other hand, it is tempting to say that a person cannot be held responsible for a situation in which he finds himself unless there is a causal connection between his acts (or omissions) and the specific outcomes for which he is being held responsible. Thus we only discuss the possibility of asking smokers to pay more for their health care because we are told there is a causal link between smoking and the increased risk of developing certain diseases. In this respect individual responsibility differs from vicarious responsibility. Yet judgements of causal responsibility can become very involved so that it is unclear at what point to cease the causal regression.

As if to demonstrate this problem, some philosophers extend judgements of causal responsibility to encompass the source of a person's conduct. So even if someone's actions caused the situation in which he finds himself, it might still be inappropriate to

speaking of him being causally responsible for his situation if he was not the cause of his actions; that is, if he did not cause the desires and character traits that caused him to behave as he did, that caused his current difficulties. But if it is a necessary condition of holding individuals responsible for the consequences of their actions that they are causally responsible in this sense, then possibly nobody should be held individually responsible.

One solution to this problem is to say that a person does not have to be causally responsible for his or her situations all the way back for it to be just that he or she bears the consequences. However, even in cases where individuals are causally responsible in this weaker sense, it is still questionable whether this is sufficient to justify consequential responsibility. From the mere fact that someone is causally responsible for a certain misfortune it does not follow that it is just that he or she should bear the consequences. To see why, consider someone who freely elects to do a job that means he is at risk of injuring himself. If he is injured, then a simple causal description of the situation might lead one to conclude he is rightly held responsible for the consequences. Nevertheless, suppose we learn this man is a fire-fighter risking his life to save others. What do we think now? The situation has not changed but the information we use to judge it has. We may well be inclined to conclude that he does have a right to our help.

It appears, therefore, that further criteria are required for assigning consequential responsibility to individuals than the simple claim that individuals should be held responsible for the causal outcomes of their actions. As I have already indicated, the

main business of my investigation is to explore these criteria, and to see exactly why causal responsibility is not enough. But before doing so, a few words about a type of responsibility often ignored in the literature on distributive justice.

V. Preventive responsibility

Reading only the literature on distributive justice can leave one with the impression that individual responsibility is solely to do with how we respond to disadvantages or misfortunes once they arise. Yet even a cursory glance at public policy shows that individual responsibility is not only about what society owes (or does not owe) to people when things turn out badly. A great deal of what is written about this subject concerns the steps that individuals can, and should, take to avoid misfortune or disadvantage in the first place. This is the idea of preventive responsibility.

For example, when politicians and social commentators use the language of individual responsibility in connection with public health issues, they often do so with the aim of urging individuals to avoid unhealthy lifestyles and dangerous activities. If there is a government initiative designed to get people to quit smoking and take regular exercise, for example, it is not uncommon for its advocates to employ the language of individual responsibility. They will probably say: 'Our aim is to encourage individuals to take greater responsibility for their own health.' This appears to be a perfectly natural way of using the idea of individual responsibility. Yet, on the surface at least, the aim of

the initiative is not to distribute the costs of smoking, to force smokers to pay, but to get them to quit smoking so that nobody is forced to pay, not least smokers.

Preventive responsibility is not limited to public health issues. When people talk about individual responsibility in connection with the problem of poverty, they often have in mind the practical steps that individuals can take to stay in school, work hard, maintain a steady flow of income, save for their retirement and limit their financial burdens wherever possible, so that they can afford to support themselves in the future. Similarly, it is often suggested that individuals should take precautions not to have more children than they can afford to support. Now it is certainly true that in theory poor families could be asked to bear the consequences of their own situations themselves – poor households could be required to take out personal loans or depend on friends and families or else learn to make do and live in poverty. Even so, my present suggestion is that consequential responsibility is not the only way to approach the issue.

Even though we are not particularly well served by the English language in terms of labelling the different types of individual responsibility, the word ‘preventive’ perhaps comes closest to expressing the basic differences between this and other types of responsibility. The word ‘preventive’ is commonly used to describe measures that are designed to keep from happening, or address the underlying causes of, undesirable situations. Preventive medicine, for example, is that area of medicine that is concerned with thwarting illnesses and diseases, rather than treating symptoms. Indeed, some specialists within the field of preventive medicine focus on the underlying social and

behavioural causes of poor health, such as poverty, smoking and alcoholism. And this way of approaching public health is echoed in the way other social ills such as poverty are often discussed.

Notice also that, like remedial and mitigative responsibilities, it makes sense to talk about the 'steps' which individuals take to avoid adverse situations. I do this because avoiding personal disadvantage is not something that individuals do with ease or certainty. In most cases individuals have to do a series of intervening things to protect their interests and sometimes not even a great deal of effort on their part has the desired outcome. Even the most proactive individuals can only do so much to help themselves; the rest is often down to factors beyond their control. In a time of economic recession, for example, it is possible for someone to make every effort to keep his job, but nevertheless fail to succeed. It may be appropriate, therefore, to talk about people displaying individual responsibility in their intentions and actions even though, despite their best efforts, they have not actually been able to avoid misfortune.

2.3 ON THE LOGICAL RELATIONS BETWEEN THE KINDS OF RESPONSIBILITY

Even focusing on the distinction between remedial, mitigative, and preventive responsibility, we now have a six-way distinction between: individual remedial responsibility, collective remedial responsibility, individual mitigative responsibility,

collective mitigative responsibility, individual preventive responsibility, and collective preventive responsibility. So, I want to end this chapter with a few words about the logical relations between remedial, mitigative, and preventive responsibilities.

One detail worth making clear is that judgements of remedial responsibility are logically prior to judgements of preventive and mitigative responsibility. The point of requiring individuals to take preventive or mitigative responsibility for certain disadvantages (and of demanding that governments offer individuals the opportunity to do so) is that we do not believe that the cost of remedying those disadvantages should fall on society at large. In other words, it would not make sense to force people to take responsibility for preventing or mitigating their own misfortunes if we believed they had a right to assistance anyway.

Pensions offer a clear example of this relationship. We generally only ask people to pay for their own pensions because we do not think that society at large should have to pay to support the elderly. If we thought that the elderly should be looked after at the public's expense, then presumably we would not ask individuals to pay for pensions. Another example is smoking. What justification does government have for encouraging people not to smoke? One obvious justification is that it has an obligation to preserve life (both smokers and passive smokers). But a second possible justification is that taxpayers currently pay for the treatment of smoking-related diseases and we do not think this result is fair. If we cannot force them to pay themselves we try to persuade them to quit. Asking or even requiring smokers to try to quit would make much less sense if we do not

think it unfair that others pay for their treatment. Looking at the same example from a slightly different perspective, requiring smokers to pay for their medical treatment by imposing a special tax on cigarettes, can be a way of deterring people from smoking and of reforming the behaviour of existing smokers. In that sense this policy promotes preventive responsibility. Yet it also presupposes that taxpayers should not have to pay for the treatment of smoking-related diseases.

2.4 THE CURRENCIES OF CONSEQUENTIAL RESPONSIBILITY

The rest of the thesis, then, seeks to explore questions of consequential responsibility, that is, questions about when, and how far, government may hold individuals responsible for the success or failure of their own lives understood in terms of dividing the burden of remedying or mitigating personal disadvantage. The main issue I want to address is under what circumstances individuals may be held responsible and why. However, we begin with a prior question: for which types of success and failure might agents conceivably be held responsible in a consequential sense?

Even a brief survey of the literature reveals that agents can take responsibility, or be held responsible, for a variety of different types of outcome. Helpfully, some writers divide the subject matter between responsibility for good (or positive) outcomes and responsibility for bad (or negative) outcomes. To claim that someone should be held individually responsible for a positive outcome is to claim that he or she should reap the

benefits of that outcome. Conversely, to claim that someone should be held individually responsible for a negative outcome is to claim that he or she may rightly be left to bear the burden of that outcome. Both of these forms of responsibility are important, but critics of current thinking about the cut between individual and collective responsibility have tended to focus on negative outcomes, misfortunes and disadvantages (see, for example, Anderson 1999).

There are some good reasons for this. If there has been a decline in moral outrage about inequalities in people's wealth, standards of living and quality of life in recent years, few things are more important in explaining this adjustment than the thought that it is not inequality that matters as such but the fact that some individuals fare so badly. Nevertheless, once we accept that some inequalities are rightly a matter of individual responsibility we also raise the following possibility. In a world where it is fitting to hold individuals responsible for the success or failure of their own lives, it is also fitting to leave individuals to bear the consequences of very bad situations. It is perhaps not very surprising, therefore, that sceptics about the role of individual responsibility in social policy have concentrated on negative outcomes. It is likely that we will find policies of individual responsibility most alarming where people find themselves in dire straits. For this reason my discussion will also centre on negative outcomes. I hope there is enough interest and controversy in these cases to make for a fruitful discussion of the subject matter, even without venturing very deeply into the terrain of responsibility for positive outcomes.

What kinds of personal disadvantages raise concern? Inequalities of income and wealth are an obvious place to begin. We only have to look at people who do not work as hard as others, people who take gambles with their money, people who fritter away their wealth on lavish lifestyles, to see why individual responsibility might be appropriate. However, to see just how successful or unsuccessful a person's life is, or has been, we need to look not only at his share of resources, but also how much pleasure or preference satisfaction he enjoys and how successful his life is from his own perspective. And this opens up the possibility of yet more individual responsibility. The list does not end here. There is a glut of further disadvantages for which individuals might conceivably be held responsible that are not easily defined in terms of either resources or welfare.

In light of all this, I think that it would be useful to pause to clarify some of the different types of currencies of consequential responsibility before looking at the criteria for assigning responsibility themselves. Which aspects of a person's success or failure matter when we are talking about holding him or her responsible? There is a bewildering array of measures of personal advantage and disadvantage that might be taken into consideration when deciding how to divide consequential responsibility. Nevertheless, the following benefits and burdens seem to me to be key interests *from the perspective of deciding what is just as opposed to merely desirable*.

I. Resources and labour

Human societies have always made good use of raw materials turning them into goods or else trading them with others for goods and services they do not have. Yet the creation and trade of goods and services in this way requires labour. Some people gather what they need from nature, others produce things by themselves or in unison with others, some people sell their labour power to others who are themselves engaged in production, and some people perform services for others – all of these activities feed into various processes by which goods, materials, products, payments, wealth, services, and experiences are exploited, created and transferred. Not surprisingly, then, normative questions about how resources and labour should be shared out are among the most important questions humans can ask.

How, then, should resources be distributed? I shall not try to deny the relevance of the choice/luck distinction in answering this question. Among other things this distinction implies that those people who choose less productive ways to work (as measured by what others want) should have less residual income as a consequence. Even so, I intend to argue that this distinction is not the only thing that matters as far as justice is concerned. I shall say more in support of this claim in the next section where I introduce other relevant criteria, but to anticipate one example briefly, sometimes common intuitions do not support holding people responsible for the consequences of choosing non-wage-earning occupations because we believe it is wrong for society to

benefit from this work without paying for it. The example of unpaid carers in the home is often cited (see, for example, Anderson 1999: 324).

II. Freedoms and restrictions

One important thing that resources can do for people is remove restrictions on what they want to do and be. It is sometimes said that a free society is one in which people can own private property, buy and sell goods and labour, manufacture, turn a profit, live and consume; all because they have these basic liberties protected under the rule of law. But freedom is not only about what individuals are at liberty to do and not do. Some have argued that in order to have 'real' freedom an agent must also have the means available to consume the things he likes, to do the things he prefers to do, and to make the trade-off between work and leisure. So if, for example, a person is unable to engage in leisure activity because he cannot afford not to work or to consume certain items because they are expensive, then he is in one sense as little free to do those things and consume those products as if he were forbidden to do so by law (for more on the notion of real freedom see, for example, Van Parijs 1995: 21-24).

I think that few people would deny that a person's real freedom, in the above sense, can raise some important questions of consequential responsibility. But it is important to keep in mind the fact that even if we accept that real freedom is one of the currencies of responsibility, nothing follows about which policy offers the best expression of this

concern. We require further arguments and principles to show how people's interest in real freedom should be translated into divisions of responsibility. For example, Van Parijs defends the policy of 'basic income' (an unconditional, non-means-tested income paid to every citizen) on the grounds that this is the right way to serve everyone's interest in having real freedom (see Van Parijs 1995: 33; 2004: 18). But this implication has been contested. On the one hand, some people argue that access to income should be ambition-sensitive, and so there is no unconditional right to income (see Dworkin 1981*b*). Ackerman and Alstott, on the other hand, agree that it is right to view private property (or money) as the birthright of every citizen on the grounds of real freedom, but insist that for government to pay basic income to citizens rather than a lump-sum capital grant is to treat all young men and women as spendthrifts and 'demeans their standing as autonomous citizens and radically constrains their real freedom' (Ackerman and Alstott 2004: 45).

Now, at this stage I might face the challenge that by highlighting real freedom as one of the currencies of consequential responsibility, I am begging the question at hand. For example, Amartya Sen defines 'freedom' partly in terms of 'capabilities to function' where this is understood to mean the various things that an agent has the ability to do and be (Sen 1993: 33). However, he notes that because the space of freedom is not a measure of the doings and beings an agent actually achieves but what he or she is able to achieve, there is scope for personal responsibility. 'If the social arrangements are such that a responsible adult is given no less freedom (in terms of set comparisons) than others, but he still 'muffs' the opportunities and ends up worse off than others, it is possible to argue that no particular injustice is involved' (Sen 1993: 39*n.23*). The present challenge, then,

is that by focusing on freedom rather than achieved functionings I am assuming precisely what is at stake, namely, that agents should be held responsible for their achieved functionings.

I fully accept this challenge and, therefore, intend to count functionings (doings and beings) as a distinct category of interests that deserve consideration in their own right. But before turning to this category, there are two additional points worth noting. The first is that, according to Cohen, there is an ambiguity in Sen's use of 'freedom' (Cohen 1993: 24). Cohen notes that the freedom to achieve doings and beings can, but does not necessarily have to, involve acts of achievement on the part of the agent. For example, being free from malaria is not something an agent must achieve himself. A policy of killing malaria-carrying flies may produce widespread freedom from malaria without an agent having to exercise the freedom in any sense (Cohen 1993: 22). Therefore, whilst freedom and achieved functioning can come apart because of responsibility, the separation is not universal. However, in reply to this it should be noted that a question of justice and responsibility still hangs over the above example. Even if people *can* achieve the function of being free from malaria without taking 'action', the question is whether or not this is just. Some people might argue that it is a form of free-riding to benefit from the anti-malaria policy without paying taxes. On this view, an agent should be held responsible for part of the costs if he benefits from the policy.

The second point is that whether or not we accept that real freedom and functioning may come apart because of responsibility, this still leaves open the question of whether or

not a person has a right to real freedom. The question we must ask is not 'Government responsibility for real freedom or for achieved functioning?' but 'Government responsibility for real freedom, achieved functioning, both, or neither?' For example, consider a person who lacks the real freedom to do certain things because of actions he has taken in the past. What should government do? One answer could be that he should be held responsible for the consequences of his past actions and so should not be given real freedom now. A second answer could be that he was not responsible for what he did (for some reason to be specified) so should be given real freedom. I do not deny that in thinking about this case we might also want to bear in mind whether or not he is likely to make use of real freedom if we decide to give it to him. ('Why give him real freedom if he is only going to squander it?') However, from the fact that a person is unlikely to make good use of real freedom, nothing must follow about how responsibility for providing real freedom should be divided. Some people might argue that government has responsibility for both real freedom and achieved functioning. Others might take a different view.

III. Levels of achieved functioning

One of Sen's great contributions to philosophy and economics has been to point out that there are things that resources do for people that are not reducible to pleasure and preference satisfaction. He notes that there are also the functionings (the doings and beings) that resources give people the freedom to attain. There are many possible types

of functionings that might be important, but Sen cites the functionings of being nourished, clothed, and sheltered as illustrations of what we care about most, these are what we might call 'basic functionings' (Sen 1985: 73). Some might argue that freedom is the key metric and that we should be concerned about functionings only in so far as they are linked to freedom. However, Cohen argues that Sen is 'most' concerned about the basic functionings, and he defends a person's right to the basic doings and beings of life whether or not people are given a form of freedom that allows them to 'exercise' or 'achieve' the functionings themselves (Cohen 1993: 22).

That being said, it should also be noted that freedom and functioning can come apart because of responsibility, and it is worth pausing to look at some examples of how this can happen. Consider the person who has impaired mobility because he injured himself whilst engaging in a highly dangerous pastime. Or consider the person who is malnourished because she devotes all of her time and energy to caring for others. Or else, think about the person who does not have any shelter because he built his house in an area that is prone to natural disasters and the house was washed away in a flood. How far should these individuals be held responsible for their lack of functioning? It is the central business of this thesis to explore some of the criteria that might be used in settling these and other similar questions of consequential responsibility.

IV. Securities and dangers

Similar to the notion of real freedom, let us say that to have 'real security' is to be able to engage in risky activities but have a safety-net if things go wrong such as medical treatment in the event one becomes sick or injured. In that sense medical insurance gives people the real security to take risks in the face of danger. It is worth pointing out that giving a person real security can but does not always mean giving them personal responsibility about whether or not safety is then actually achieved. By way of illustration, a policy of eradicating a disease (or the insects that carry the disease) or of having armed forces or police services can leave people with the real security to do the things they want to do. But it is not necessarily right to think of this as an exercise in security on the part of the agent, something that depends on some assignable activity he must perform (cf. Cohen 1993: 22).

One key point that should be emphasised at this fledgling stage in the development of the inclusive theory is the extent to which people's interests are interconnected. Freedoms and securities are a good example of this. Whilst forcing someone to bear the costs of his choices can make him less free and secure to do the things he wants to do (to live, work, earn, and consume as he would like), forcing society as a collective body to bear these same costs can make taxpayers less free to do the things they want to do (to live, work, earn, and consume as they would like). Putting the same point slightly differently, if a society, through the tax raising powers of the State, assumes responsibility for providing an income to those who choose low-wage jobs and/or pays subsidies to

those with expensive tastes and/or gives public health care to those who risk their lives, then it offers these recipients the real freedom and security to live as they wish to live. But it also decreases the real freedom of taxpayers who might want to spend their money doing what they want to do. If a person must hand over a proportion of what he earns to the State, then he is, in one sense, as little free to decide what to do with his income than if others were permitted to take his income without his permission. In other words, the desire to be really free is among the reasons some individuals within society might have to favour collective responsibility for the provision of income, health care, and other basic goods and services, but it is also a reason some taxpayers might have to object to such policies. To answer questions about how freedoms and securities should get distributed, then, requires further criteria of distribution. The choice/luck distinction and identification are two such criteria but there are others (to be explored in the next section).

V. Opportunities and obstacles

Opportunities are another fairly obvious interest of justice. Without opportunities we cannot pursue our conceptions of the good, and this state of affairs is something that could easily be construed as unjust, especially where those opportunities are distributed unequally for reasons that seem unfair. Now, opportunities are often defined in terms of what the opportunity is for: various conceptions have been proposed but most notably, in the egalitarian literature, they include opportunity for resources and opportunity for

welfare. Yet it is also worth making clear at this stage that there are a number of other elements that go into making an opportunity. To say that someone has the opportunity to achieve X is, in one sense, to say there are a combination of circumstances helpful for achieving X such that even though achieving X is not automatically guaranteed if the person acts in the specified ways, obstacles which in the past made it difficult to achieve X have been removed and useful instruments which are sometimes absent are now in place facilitating the achievement of X (see Westen 1985).

It seems to me that the interest we have in possessing opportunities invites two questions of consequential responsibility. The first question is whether the State has a responsibility to provide opportunities for people to achieve desired outcomes, to provide the outcomes themselves, to do both, or to do neither. For example, it is open to debate whether the State has a responsibility to give people opportunities to become better off, to make them better off, to do both, or to leave it up to each person to make his own opportunities and to make himself better off. This question is well-discussed in the literature. However, let us assume for the sake of argument that the State does have a responsibility to provide equal opportunities. Much less commented on is the further question of whether or not the State has a responsibility to continue to offer opportunities to people who fail to make good use of them the first time around. The issue of adult education or 'lifelong learning' is a good illustration of this question. Even if we agree that society should pay for every child to have the opportunity to gain a good education, it is a further question whether or not the State should offer that opportunity again to adults later on in life if they failed to take their opportunities the first time around. This second

question, then, is about whether or not we should offer equal opportunity (say) at one canonical point in people's lives or intervene to maintain equality of opportunity at recurring intervals throughout a person's life. I shall try to explore both of these questions of opportunity in more detail below.

VI. Self-respect and shame

Another set of interests on my list has to do with the impact that diving responsibility in different ways might have on people's evaluation of themselves and, specifically, in terms of their self-respect and/or sense shame. Self-respect is a notoriously difficult notion to pin down, but one thing we can say with at least some degree of certainty is that self-respect is not something we can simply distribute among people like other ordinary material resources. Self-respect is a feeling, sense, or impression one has of oneself. It has a psychological standing. Yet self-respect also has social and normative elements which the State can appropriately influence.

To see this, consider Stephen Darwall's notion of 'evaluative self-respect' (Darwall 1977). According to Darwall, this kind of self-respect is predicated on our appraisal of ourselves as people. To lack self-respect, in this sense, is to measure ourselves against the sort of person we desire to be but then to form the impression that we come up short of those standards. Conversely, shame is something people commonly feel when they lack self-respect. Even though the object of evaluative self-respect is our own character,

conduct, power and so on, other people help to shape the perception we have. Not only do our interactions with others partly define the standards of merit by which we come to measure ourselves, but they also offer a constant test of whether or not we have lived up to those standards. Public shame occurs when our failure to live up to standards is made common knowledge to others.

What, therefore, is the connection between evaluative self-respect and policies of consequential responsibility? The connections are complicated. On the one hand, one of the ways in which people can develop self-respect is through an awareness of their ability to assume responsibility for their own lives. To succeed in securing one's own long-term health and safety; to have the self-mastery to develop and successfully pursue a realistic set of goals and ambitions; to increase one's skills and work for a living – these are all things that can enhance one's evaluation of oneself as a person with merit. Different types of individual responsibility, then, can be *foci* for seeing ourselves in a favourable light. But there is no suggestion that encouraging greater individual responsibility is the only way to promote self-respect. Nor is it suggested that individual responsibility is the only foci of self-respect. On the contrary, government must secure the social bases of self-respect through a variety of means.

All of this also invites a further question: can policies which are designed to promote individual responsibility sometimes bring shame? I shall postpone a full discussion of this issue until later. But I do want to stress now that when dealing with the interest of self-respect one must also take seriously the possibility that in trying to weed out those

whom we believe should assume personal responsibility we risk humiliating those who, through no fault of their own, are unable to do so. Jonathan Wolff's "Fairness, Respect, and the Egalitarian Ethos" contains valuable insights into this problem, which he has dubbed the problem of 'shameful revelation' (see Wolff 1998: 113-5). This article has inspired Timothy Hinton to defend basic income as a way of combating the problem of shameful revelation (see Hinton 2001).

VII. Public interests and public menaces

Yet another group of interests worth examining are the interests of people as members of political communities. For example, in disputes about what is in 'the public interest', the word 'interest' attaches most plausibly to the common interests we have *qua* members of society. National defence would be an obvious example. Arguably it is in the public interest for government to collect taxes in order to fund armed forces against the menace of foreign invasion or, more likely, acts of terrorism. Even so, this definition might tolerably be relaxed so that it encompasses interests that are common to an assignable group of citizens. Consider the claim that there is a public interest in funding the work of mountain rescue teams and fire-services that protect the public against the menaces of avalanches and wild fires.

It should not be overlooked that there are competing ideas about what is and what is not in the public interest, but it is certainly conceivable to think that sometimes it will,

and sometimes it will not, be in the public interest to impose the costs of people's choices individually rather than on society as a collective body. In some cases, however, a further distinction is required to define the field of collective responsibility more accurately. For example, when we are asking whether or not it is in the public interest to include medical insurance as part of the remuneration package given to mountain rescue workers, the term 'collective responsibility' could refer simply to those who use the mountains. I shall say more about this distinction below.

VIII. Levels of welfare

Welfare is a measure of what is good for a person, what makes his or her life go better. Whilst it does not necessarily exclude the interests discussed already, welfare might include more than has been discussed. The relevance of welfare metrics to debates about consequential responsibility may or may not seem obvious, but the proposition is that justice demands that our divisions of responsibility must take account of the impact on proposed divisions understood in terms of making people's lives go better or worse. Hence, as with the six other types of interest discussed so far, the substantive question is this: what should we do in respect of welfare and how does this affect our judgements about how we should assign consequential responsibility? I shall tackle this question in the next section, but before doing so I want first to say a little more about what welfare is and why it is important.

Welfare can be defined in various ways but the possibilities are often classified together as follows: hedonistic welfare (psychological states that it is alleged the vast majority of people want to experience such as pleasure, happiness, and enjoyment), desire-based welfare (the satisfaction of a person's tastes, preferences, desires, and deeper convictions about what gives value to life), and substantive welfare (a concrete list of things that it is believed are objectively good for a person to have, quite apart from any hedonistic experiences he might have in light of those things, his desires, or what he believes gives value to life). The various advantages and disadvantages of these different conceptions of welfare have been ably discussed elsewhere in the literature, and so I do not intend to discuss them in great detail here (see, for example, Parfit 1986: app. I; Griffin 1986; and Scanlon 1998: ch. 3).

However, I do want to discuss some general problems that are commonly associated with welfare metrics in debates on distributive justice and social welfare policy.

(1) *Problems of measurement and interpersonal comparison.* Welfare metrics do not easily lend themselves to measurements of how much advantage individuals have and to interpersonal comparisons between different people. This can render welfare unhelpful when trying to establish distributed goals and comparing the outcomes produced by different policies (see, for example, Sen 1982).

(2) *Problems of assessment.* Even where individual measurement and interpersonal comparison of welfare are possible, in practice the testing of welfare can be intrusive and open to error and abuse (see Cohen 1989: 910).

(3) *The problem of the contented slave.* Some people adapt to their current disadvantages (even grossly unjust disadvantages) developing such lowly desires as to give a misleading impression of how badly they are in fact doing and any redistributive claims they might have against others (see Sen 1985: 21).

(4) *The problem of offensive tastes.* Some desires are morally offensive and as such are unsuitable criteria by which to judge outcomes (see Rawls 1971: 30-1).

(5) *The problem of expensive tastes.* Some preferences are too much a matter of personal identification to be fitting bases for the assessment of people's redistributive claims (see Dworkin 1981b: 302-3).

I do not deny that these problems demand careful attention. However, it should be noted that they do not amount to a blanket objection to welfare because they can be defused in the following ways. In answer to (1) and (2), the defender of welfare can point out that even though the effective measurement and comparison of people's welfare is a problem, the same problems can affect other metrics of advantage. Freedoms and opportunities, for example, are sometimes not easily compared. Nor is it without the potential for difficulty finding out which particular freedoms and opportunities agents have or lack. In reply to (3), the defender of welfare can adopt an informed desire theory of welfare in which we focus exclusively on those desires which the agent would have if, contrary to fact, he had a full understanding of how others live and what his life might be like. In responding to (4), the defender of welfare can appeal to an 'objective list' account of welfare that excludes morally offensive desires from interpersonal comparisons of welfare (as well as the desires of the happy slave). Finally, in reply to (5),

in chapter 4 I shall attempt to motivate the claim that whilst some desires can be ruled out on the criteria of second-order preference identification, this does not necessarily exclude all preferences as fitting bases for claims in justice. In some cases, people can make plausible claims in respect of the arbitrary expense of their preferences.

In the light of all this, what should be the significance of welfare in judging how consequential responsibility should be divided? I certainly think that arguments couched in terms of welfare cannot be ruled out as plausible grounds for arguing for or against proposed divisions of responsibility. And, as far as possible, I want to leave open the question of which conception of welfare is best. However, the present question is whether or not welfare *sui generis* is the most important interest. In fact I have chosen to discuss welfare last because of the thesis (often associated with utilitarianism) that welfare is the supreme value. Is this thesis correct? Whilst I think that this thesis might be plausible for some conceptions of welfare, it is certainly not true for all conceptions. Classical utilitarianism, for example, rests on the view that pleasure is the only thing that is intrinsically valuable; that all other things are only valuable in so far as they tend to promote pleasure and the absence of pain (see, for example, Mill 1972: 39). However, even bearing in mind Mill's qualitative distinction between higher and lower pleasures, it is far from obvious that pleasure is the only thing that fundamentally matters. Perhaps we care about freedom, security, opportunity, and self-respect in addition to any pleasure they might bring. The inclusive theory, therefore, recognises the possibility that a number of interests could fundamentally matter and must be given proper consideration as such.

Nevertheless, even if we accept that welfare is the supreme value, this does not necessarily imply that it is right to ignore reasons favouring particular divisions of responsibility which are not specified directly in terms of welfare. On the contrary, the bare importance of other reasons can remain untouched by the thesis that welfare is the supreme value. It is simply that we reinterpret that importance as instrumental importance rather than intrinsic importance. Thus, suppose we believe that when assessing alternative divisions of responsibility we should take account of the impact on people's self-respect. (Of course, this raises the question of how precisely our judgements of consequential responsibility should be sensitive to the impact on people's self-respect. But let us just assume for the sake of argument we simply believe that nobody should suffer a loss of self-respect as a result of our policies.) Would we abandon this belief if we subsequently realised that self-respect is only valuable to the extent that it is a part of welfare or tends to promote welfare? I doubt it. It seems to me that this additional information (the fact that self-respect can make people's lives go better) would do little to lessen the belief that our judgements of consequential responsibility should be sensitive to the impact on people's self-respect.

In summary, I hope I have been able to show that whilst there are many types of responsibility, consequential responsibility is primarily a question of what is just and unjust: when and how far is it right that individuals bear the disadvantages or misfortunes

of their own situations themselves, and when, in contrast to this, is it right that society as a collective body relieves or mitigates these individual deprivations? We have also seen that there are an array of different types of disadvantage about which questions of consequential responsibility can be asked. In what follows I want to explore different criteria for dividing consequential responsibility between individuals and society.

3 CHOICE

Of all the reasons for holding individuals responsible for their own disadvantages and misfortunes, initially the most compelling is the thought that individuals have voluntary choice. It is, after all, a familiar feature of the market that what people owe each other and ultimately what they end up with depends on the transactions and gambles they freely enter into. So choice may seem an obvious candidate for a more general theory of individual responsibility. But why is it fitting to hold individuals responsible in this way, and is such a theory suitable in every case?

3.1 CHOICE AS GROUNDS FOR INDIVIDUAL RESPONSIBILITY

Since Amartya Sen first raised the question in an article of the same name, “Equality of What?”, a significant amount of philosophical work has been devoted to answering this deceptively simple question. Various metrics have been proposed, but one recurring theme has been that equality of opportunity is preferable to equality of outcome. One reason for this preference has been that equality of opportunity is sensitive to individual responsibility in a way that equality of outcome is not. Equality of opportunity offers everybody an equal chance of success, but allows inequalities of outcome to develop on the strength of people’s voluntary choices. As Richard Arneson puts it:

The argument for equal opportunity rather than straight equality is simply that it is morally fitting to hold individuals responsible for the foreseeable consequences of their voluntary choices. (Arneson 1989: 88)

These developments in egalitarian thinking, however, raise the following question: why is it fitting to hold individuals responsible for the foreseeable consequences of their voluntary choices?

I think that much has to do with the thought that government ought to treat citizens as beings who are competent to be in charge of their own lives. No doubt this involves a number of different things, but holding individuals responsible for the foreseeable consequences of their voluntary choices is certainly one way of treating citizens as competent. But what happens when individuals act imprudently? The choice theorist is then faced with a difficult dilemma: whether to continue to regard individuals as competent in charge of their own lives (even in the face of glaring imprudence) and accept misfortune as an unavoidable consequence of the view, or to say that because such people clearly have deficient choice-making and choice-following abilities they do not in fact have genuine choice. I am going to continue to explore this dilemma throughout the investigation, but for the moment I want to focus on a second reason why it may seem fitting to hold individuals responsible for the foreseeable consequences of their voluntary choices.

A second reason for thinking that voluntary choice should be operative in deciding questions of distributive justice is the belief that herein lies a workable procedure for regulating the arena of production, trade and consumption. There are perhaps two principles that a choice theorist might want to endorse in these areas. The first is that a person cannot owe something to someone else unless he has agreed to give or trade that thing. The second principle is that a person does not have a right to the resources of those who are wealthier simply on the grounds that he has less, if the inequality between he and they flows from the different choices he and they have made. When a society has a dynamic distribution of income and wealth that operates through a process of production, trade and consumption, there is potential for satisfying both principles. A government that effectively enforces contracts between individuals ensures that what one person owes to a second person depends on whether the two have voluntarily entered into a transaction or agreement. This adheres to the first principle. And if government does not intervene in market outcomes, then a dynamic distribution of goods through the free market means that people have, at different points in their lives, more or less than others in part depending on the choices they and others have freely made. This potentially upholds the second principle.

This type of system is mutually beneficial because it confers upon each individual the power to determine what he or she owes other people and what other people owe him or her. This power is important because, provided the system is operating effectively, it enables individuals (1) to get what they want (through the various transactions they freely enter into), and (2) to plan their lives on the basis of confident predictions about the

resources they (and others) will have available to them in the future. This does not, however, rule out the possibility of government interference in market outcomes where justice demands such interference. Whilst the choice theorist believes that choice should be operative in deciding what we owe each other, he does not say that all market outcomes are fair.

One point is that some people have fewer resources than others because they are unable to enter into production and trade due to shortfalls on the side of their physical abilities. It might be appropriate, then, for government to intervene in market outcomes to mitigate the ill effects of brute luck. As Dworkin puts it in his article, "Why Liberals Should Care about Equality":

a liberal cannot, after all, accept the market results as defining equal shares. His theory of economic justice must be complex, because he accepts two principles which are difficult to hold in the administration of a dynamic economy. The first requires that people have, at any point in their lives, different amounts of wealth insofar as the genuine choices they have made have been more or less expensive or beneficial to the community, measured by what other people want for their lives. The market seems indispensable for this principle. The second requires that people not have different amounts of wealth just because they have different inherent capacities to produce what others want, or are differently favored by chance. This means that market allocations must be corrected in order to bring some people closer to the share of resources they would have had but for these

various differences of initial advantage, luck and inherent capacity. (Dworkin 1985: 207)

However, even allowing for these corrections, surely part of the attraction of the market is that it does, at least to some degree, hold individuals responsible for the foreseeable consequences of their voluntary choices.

How individuals respond to risk is potentially another area where voluntary choice is important in determining just outcomes. We all face risk, but as Dworkin points out, when evaluating risk it is important to note the difference between 'brute luck' and 'option luck':

Option luck is a matter of how deliberate and calculated gambles turn out – whether someone gains or loses through accepting an isolated risk he or she should have anticipated and might have declined. Brute luck is a matter of how risks fall out that are not in that sense deliberate gambles. (Dworkin 1981*b*: 293)

Of course, both kinds of luck can jointly determine what happens to a person. If someone develops cancer, for example, this can be down to brute luck. But the story is somewhat different if he or she had the opportunity to purchase medical insurance but opted not to do so. It also makes a difference if (say) the individual has been a heavy smoker for a number of years. These variations introduce a degree of option luck into the story. But even if there are degrees of brute luck and option luck, the question is this.

Why, if at all, is it fitting to hold individuals responsible for the consequences of option luck?

I think that one reason is again that it offers individuals the chance to get what they want out of life. Clearly a distributive scheme that holds individuals responsible for bad option luck does not offer individuals precisely the outcome they want. A person who voluntarily accepts a gamble does so because he or she wants the consequences that attend good option luck not bad option luck. But it can be argued that to mitigate the affects of option luck, even bad option luck, is to deprive people of a kind of life they want, namely, a life that includes gambles (see, for example, Dworkin 1981*b*: 294-295).

One final reason we may have for wanting what happens to us, in terms of our distributive claims against others, to reflect our voluntary choices, is that under such a regime we have a powerful tool of expressing to other people certain beliefs and values we hold dear. Consider the case of an Amish man who, as an act of religious devotion, renounces material comfort in favour of a life of austerity and self-discipline. The diminished circumstances of this man are intimately bound up with the kind of life he thinks it is right to lead. To offer him additional resources because he is poor would not only ignore his personal convictions, but would also potentially undermine the message he wants to send out into the world by making the particular choices he does. Of course, perhaps some will question whether a person ever makes a genuine choice to live like this. But the Amish tradition of 'rumspringa' (which roughly translates as running around) is one reason for thinking that at least Amish individuals choose the lives they

lead. During this coming-of-age experience, young adults between the ages of 17 and 20-years-old have more freedom from the supervision of their parents, community rules and the authority of the church. After this taste of freedom, the individual must decide whether to remain in their community. If he or she chooses to stay, then he or she will be formally baptised into the main church.

Bringing these points together, there seem to be a number of reasons for preferring a regime that makes our choices operative in deciding what claims, if any, we have against others. One reason is that it respects our status as competent beings. A second reason is that it gives us power to get what we want. A third and related reason is that it enables us to confidently predict what resources we may have at our disposal in the future. A final reason is that it respects our underlying beliefs and attitudes, and allows us to demonstrate those beliefs and attitudes to others.

However, if individual responsibility is to have these benefits, then presumably the choices involved must be of a certain kind. Not just any kind of behaviour will do. So what, more precisely, are the features of human agency that should have the power to confer responsibility on the part of individuals for the situations they face, even the bad situations?

3.2 'VOLUNTARY' CHOICES

Even though the idea of choice and responsibility has received a good deal of attention from egalitarian writers over the past twenty-five years or so, including articles by Cohen (1989), Arneson (1989), Rakowski (1991), Le grand (1991) and Roemer (1993), these writers have, in the first place, sought to map the egalitarian terrain in general terms, incorporating only the abstract notion that individuals should bear the consequences of their 'voluntary' or 'genuine' choices. Then again, it is possible to extract from this combined material seven features of human behaviour involved in voluntary choice.

Opportunity obviously has an important role to play. In general, it is only legitimate to hold people consequentially responsible for the situations in which they find themselves when they had the opportunity to assume preventive responsibility beforehand. If, on the other hand, someone had opportunities to avoid a bad situation, which opportunities he failed to seize, this can make it difficult to defend his right to public relief.

Which kinds of opportunities are relevant? Some examples are more clear-cut than others. Take work for example. One thing we can claim is that it is only legitimate to hold people consequentially responsible for lacking income, if they had the opportunity to work. But much depends on how those opportunities are defined. I think few people would say that a person who lacked the opportunity to work due to the racist attitudes of local employers is rightly held responsible for his situation. Yet a further question is how

we regard shortfalls on the side of talent or physical capacity. Cohen argues that we do not normally regard such things as detracting from 'opportunity' as such, but as limiting 'access' to advantage:

On my understanding of the egalitarianism, it does not enjoin redress of or compensation for disadvantage as such. It attends, rather, to "involuntary" disadvantage, which is the sort that does not reflect the subject's choice. People's advantages are unjustly unequal (or unjustly equal) when the inequality (or equality) reflects unequal access to advantage, as opposed to patterns of choice against a background of equality of access. Severe actual disadvantage is a fairly reliable sign of inequality of access to advantage, but the prescribed equality is not of advantage per se but of access, all things considered, to it. (Cohen 1989: 920)

So perhaps we should say, and I think Cohen would agree, that a person who is unable to work due to a shortfall on the side of his physical capacity does not have a choice whether or not to work and suffers an involuntary disadvantage.

Intention is a second feature of human volition that may be relevant to the attribution of consequential responsibility. We might say that an action only qualifies as a genuine choice provided it has expressed what the agent had in mind to do or bring about. The intention does not have to be made fully explicit to other people at the time, but the agent himself should at least be fully aware of what he or she is doing and minded to pass up

alternatives. Someone who acts intentionally, in this sense, lacks a reason for public assistance that might be available to someone who embarked upon a course of action accidentally or was mistaken as to the true nature of what he or she was doing.

A third and related feature of choice is foresight. Foresight is relevant because genuine choice requires at least some knowledge of the possible outcomes, which includes not only an awareness of the outcomes but also some understanding of what they mean and how likely they are. It would seem wrong-headed, for instance, to claim that someone chose to take a certain risk even though he had no clue of the dangers he was facing. Knowledge of risk opens up the possibility of prudent choice, but it also opens up the possibility of recklessness. A person is reckless when he or she has foresight of very likely bad outcomes, but ignores this information and takes the risk anyway. In some cases this foresight alone may be enough to justify holding individuals responsible for any unpleasant situations in which they find themselves.

Freedom from coercion is another common feature of choice-based theories of responsibility. A familiar type of case is where a person has been coerced to make a certain choice by intimidation, threat, manipulation, blackmail and so on. Strictly speaking, it might still be possible to say that a person made a choice in such circumstances, even that he made the right choice, but it is open to dispute whether he made a voluntary choice, and whether he should be held responsible for the consequences. In these sorts of cases a person (or group of persons) unduly influences the choices of others by changing the payoffs.

A fifth, more controversial aspect of genuine choice is authenticity. This is a notoriously difficult notion to pin down, but to qualify as authentic it seems that a person's choice must in some sense be his or her own. If, for example, a person has been influenced to make a particular choice as a result of a cynical advertising campaign that contains hidden subliminal messages, we may well be disinclined to regard this as an authentic choice of the individual. Other authenticity-affecting influences, however, may be less clear-cut. Suppose a person has been influenced in the way he behaves (or chooses to behave) by the attitudes and beliefs of his friends, family, culture or religion. In what sense are these choices still his own, and is there some identity that persists beyond these sorts of influences?

Yet another important issue for the choice theorist is people's choice-making and choice-following abilities. Some people may well be inclined to stop and deliberate before they act, and have the strength of mind to act on what they have calmly decided is in their best interests. But it is certainly possible that a person's propensity to stop and think, to make prudent calculations, and to follow choices, is down to his natural tendency, level of maturity and his upbringing, which are all things he may have no control over. So if a person has not stopped to think about the risks he is taking, and how he might feel should things turn out badly, or has simply been unable to avoid the temptation of taking the risk, then it might not be his own fault, and it may not be fitting to hold him responsible for the consequences.

One final, but related aspect of voluntary choice is free will. To say that a person has voluntary choice, in this sense, is to say he is the cause of his own actions. A person has free will if he could have chosen to act differently, everything about the situation and himself being the same prior to the choice being made. For a person to have free will there should not exist any set of antecedent conditions including past experiences, character traits, family life, environment, and the like, no matter how complex, that make it inevitable that he will choose to behave in a particular way. The assumption that human beings have free will is contrasted with the philosophical theory of hard determinism, that is: human choices are fully determined by a combination of internal and external aspects of life, which are themselves fully determined by other influences that are in turn regulated by inescapable laws of nature.

What is the significance of these different aspects of voluntary choice? Which of the above features, if absent, offers powerful grounds for waiving individual responsibility? Lack of opportunity appears to be of this order. It would certainly seem unfitting to hold someone responsible for not doing X if he lacked the outward opportunity of doing X. The fact that a person was ignorant or genuinely mistaken may also be a credible excuse in some cases. Allowing these sorts of excusing conditions compares favourably to a system of strict responsibility whereby individuals are held responsible even for genuine errors. Other grounds for waiving individual responsibility, however, can appear somewhat less convincing. The excuse that a person did not make an authentic choice may be open to question, as may the reason that human beings have different choice-

making and choice-following abilities and might not have free will in the philosophical sense.

However, in saying that the foregoing features of human behaviour are relevant to the idea of voluntary choice, I do not say that those who adopt a choice-based approach are committed to each of the above features. There are different variants of this view. Nor do I claim that voluntary choice is absolute. As Cohen puts it:

We are not looking for an absolute distinction between presence and absence of genuine choice. The amount of genuineness that there is in a choice is a matter of degree, and egalitarian redress is indicated to the *extent* that a disadvantage does not reflect genuine choice. That extent is a function of several things, and there is no aspect of a person's situation which is wholly due to genuine choice . . . One of the things that affects how genuine a choice was is the amount of relevant information that the chooser had. But we do not have to ask, Exactly what sort and amount of information must a person have to count as having genuinely chosen his fate? All we need to say, from the point of view of egalitarian justice, is: the more relevant information he had, the less cause for complaint he now has. (Cohen 1989: 934)

3.3 EXAMPLES

Is the choice theory plausible? Let us begin with a relatively simple version of the choice view: inequalities of personal advantage are acceptable if, and only if, they reflect the choices of equally competent individuals deliberating freely over roughly the same set of options. Is this reading of consequential responsibility supported by specific cases?

A. Unemployment and underemployment.

Perhaps not surprisingly moral attitudes towards poverty are sensitive to its perceived causes. Unemployment and underemployment can be obvious reasons for someone's being poor but we often make a moral distinction between cases. Those who are sick, disabled, elderly, or caring for children are generally viewed more favourably than those who are merely idle (see, for example, Digby 1989: 127). But what, if anything, can justify these commonplace distinctions?

The choice-theorist will emphasise the distinction between voluntary unemployment and underemployment and involuntary unemployment and underemployment. On the one hand, he will argue that we have a duty to mitigate the affects of brute luck on people's life prospects. On any reasonable interpretation this will include individuals who are unable to earn a wage to support themselves due to debilitating difficulties that lie entirely beyond their control. Severe physical disablement from birth is one obvious

example but others can include mental health problems such as severe depression or stress. On this view, reflecting on brute luck makes it almost impossible to say that individuals are rightly held responsible for their own poverty.

On the other hand, the choice theorist will argue that those who choose less productive occupations, measured by what others want, should have less residual income as a consequence. At first glance, finding plausible examples of voluntary unemployment seems straightforward. The media is full of stories of people who “choose” to be unemployed – women who decide to have lots of children because they would rather stay at home than work; teenage girls who purposely get pregnant so they can qualify for public housing; young men who deliberately perform badly in job interviews so they do not have to accept jobs they do not want to do; career dole bludgers who lie and say they are unable to work because they are lazy. In fact the choice theorist does not even have to rely on these stories. He can accept that poverty occurs because partnerships break up and women cannot afford to work and pay for expensive child-care; because teenage girls do not think far enough ahead to be influenced by the prospect of public housing, and if they do think about the future, they do not believe that an unplanned pregnancy will happen to them; because young people live for the moment and fall in and out of work; because the long-term jobless lapse into idleness. Even so, he can insist that unemployment is voluntary in these cases in the sense that it is within the control of the agent that he or she has no job, the lack of employment is the product of lack of foresight not lack of equal opportunity.

However, there is far more than meets the eye to these cases. Even among those who are able-bodied and of working age, in a time of high demand for labour, many find themselves out of work because they have lost the habit of work or never had the habit. For these people the tendency not to make an effort to find work or stay in jobs is 'second nature'. Why might this fact be a problem for a choice-based account of responsibility? Because the tendency to make an effort to work can lie outside people's control and on the choice view this constitutes a reason for responsibility-abrogation. So, if we seriously thought that the presence of genuine choice is a necessary condition for holding individuals responsible for lack of income, this would imply that few people who are currently unemployed are rightly held responsible. This might not be plausible.

The difficulties do not end here for the choice theorist. The choice theory can fail to deliver unambiguously just results even in cases where individuals do make a deliberate, voluntary choice to be unemployed. In some cases voluntary unemployment and responsibility can come apart. Consider those people who make a conscious decision to engage in low-paid or non-wage-earning work out of a sense of devotion to a cause or familial or parental duty. Think of the budding artist living in poverty to produce great art. Or reflect on the plight of the woman who devotes her time to the care of the homeless, the sick and the elderly. Suppose for the sake of argument these are voluntary choices. On the choice-based account of responsibility, it is fitting that these people do not receive public money because their poverty flows from the lives they have voluntarily chosen to lead. It may even be consistent with justice if they end up in poverty and debt as a result of the paths they follow. Yet it is unclear whether the choice-based approach

offers a plausible account of the moral landscape in this area. Surely it is not unreasonable for someone in this position to say: 'It is not only my responsibility the fact that I am poor because morally speaking society should provide people like me with an income for these purposes. Whilst it is true that supplying this income will impose a burden on taxpayers, it is also true that this work makes a significant contribution to society as a whole.'

This may or may not be an argument that we ultimately accept but in any event I think these cases force us to reflect on not simply whether a person voluntarily chooses to do something that is badly paid but also the value or usefulness of the behaviour in question. The fact that an artist or carer (say) adds to the cultural life of his community and the well-being of her family are surely reasons that should be taken into account when contemplating just attributions of consequential responsibility. Consequently, it might be wrong to hold such individuals fully responsible for their diminished circumstances even though there is a sense in which they choose the lives they lead; this, at least, is arguable.

B. Smoking

Much recent moral concern about smoking has been sparked by relatively new scientific discoveries concerning the harmful affects of passive smoking. This moral disquiet has, in turn, resulted in calls for the banning of smoking in public spaces.

Nevertheless, my main interest here is to consider whether the medical costs of treating smoking-related diseases should be held in common or imposed specifically on those who smoke. Following other philosophers in this area I make the simplifying assumption that the treatment of smoking-related diseases does impose burdens on health services that would not be present if people did not smoke. Thus I assume that within the public sector treating smoking-related diseases involves redirecting scarce medical resources (hospital beds, nurses, doctors, and so on) away from other equally important areas of health care. I shall not examine here, therefore, the hypothesis that smokers do not, in fact, place an unequal burden on health services because they generally have a shorter life expectancy than non-smokers.

One dominant view in the field of distributive justice is that smokers cannot fairly expect the rest of society to foot the bill for smoking-related diseases and so should pay additional sums to cover the medical costs caused by smoking (see, for example, Rakowski 1991: 89; Gutmann 1995: 112-114; and also Anderson 1999: 328). But what, if anything, can justify this policy? The choice theorist believes that the presence (or absence) of voluntary choices should be operative in responsibility-attribution: that we should draw a moral distinction between a voluntary smoker, who makes a voluntary choice to smoke, and an involuntary smoker, who does not. On this reading of justice, only the voluntary smokers ought to pay additional sums towards the treatment of smoking-related diseases.

Now, in reply to this, the voluntary smoker might try to argue that the provision of medical care should in fact be collectivised – with non-smokers contributing part of the cost of treating smoking-related diseases – because this represents a *quid pro quo* for non-smokers being able to take slight risks with their health, such as eating too much or not taking regular exercise. But the choice theorist can retort quite rightly that one apparent difficulty with the aforesaid reply is that it might be the same people taking all of the risks, leaving generally more prudent individuals to foot the bill most of the time. The people who smoke might also be the same people who drink too much, fail to take regular exercise, and so on. So it is unclear why others who do not take these risks should have to bear the costs of medical treatment.

However, despite the fact that the choice theorist is able to say that voluntary smokers should contribute towards the costs of smoking, it is unclear whether the choice view always makes the right cut between individual and collective responsibility. It seems to me that basing responsibility-attribution on choice alone will be too generous to the ‘involuntary’ smoker. This problem emerges into view when we reflect on the lack of choice exhibited by large numbers of smokers. Even though there is now plenty of information available to smokers about the risks of smoking, often people take up this habit when they are young and arguably before they can reasonably be held responsible for their actions. A second point is that plenty of older smokers became addicted when there was still a great deal of ignorance (and even misinformation) as to the medical risks associated with imbibing large quantities of nicotine into the body. A third consideration is that many people smoke not because they have made a deliberate and informed choice

to do so but as a result of peer pressure or other life pressures such as stress in the work place. Taking these factors into account, the choice view would seem to imply that very few, if any, smokers should bear the cost of treating their own smoking-related diseases. This is because very few, if any, smokers seem to act voluntarily. Yet this permissive abrogation of responsibility is open to question. Surely the non-smoking taxpayer can reasonably object to a policy that compels him to pay the costs of treating smoking-related diseases on the grounds that absence of choice is not a sufficient reason to waive individual responsibility on the part of smokers.

To press this point, the willing smoker wants to be able to smoke without having to pay additional costs to insure himself against the risks, and the unwilling smoker wants both medical insurance and help in his efforts to quit smoking so that he may be free from his cravings. Yet by the same token the non-smoking taxpayer does not want to have to pay for other people's risk-taking. In that sense smokers are not a special case. In other words, it seems that forcing smokers to pay for their own medical insurance (and/or their efforts to quit smoking) would diminish their ability to live as they wish as much as forcing non-smokers to bear these costs would diminish their ability to live as they wish. Given this fact it might not be entirely unreasonable to expect smokers to buy their own medical insurance.

Even if the choice theorist relaxes the definition of 'voluntary' so as to include the above smokers in the category of people it is right to hold responsible for the consequences of their actions, a second problem is that the choice view seems to ignore

morally relevant facts about the behaviour of some smokers. My point is that even if people start out as voluntary smokers knowing the risks, many of them later decide that they no longer want to smoke. They then make every reasonable effort to try to quit and lead a healthier lifestyle generally. With this added information it seems much less certain that he should continue to pay for the costs of smoking or at the very least that he should pay the same as the smoker who makes no attempt to quit. This seems to hold true even if such a person has not been completely successful in his efforts.

In reply to this last case, the choice theorist might try to argue that because the unwilling smoker is clearly very strongly addicted to nicotine he is, in effect, an involuntary smoker and so does in that sense have a case for subsidy on the choice view. He might say the smoker was once a voluntary smoker but is so no longer. However, even if we accept this gloss on the smoker's attempts to kick the habit, we must not confuse what actually triggers the claim to subsidy with what is coincidentally true about his behaviour. For it is surely his willingness to take steps to quit that adds strength to his claim for assistance on grounds of reasonableness, not merely the fact that he is addicted to nicotine, so is in that restricted sense an involuntary smoker.

C. Dangerous activities and occupations

Consider those people who climb mountains, drive racing cars or engage in any number of risky pastimes. Who should pay when they hurt themselves? In his *Equal*

Justice, Eric Rakowski argues that injuries suffered by those who freely engage in dangerous activities and occupations are exemplary instances of bad 'option luck'. Provided the agent had the opportunity to avoid the risk it is not unjust that he should bear the consequences of his choice. Those who accept these dangers participate in a lottery the results of which are not unjust (Rakowski 1991: 79).

Whilst I accept there can be a case for holding people responsible for the risks they freely enter into, I do not think choice is sufficient to ground individual responsibility in all cases. If someone wants to climb mountains at weekends for personal enjoyment, it does not seem unreasonable that he should buy insurance against possible accidents. But it is far less obvious that a person should have to pay to insure himself if he is the member of a mountain rescue team whose task it is to save stranded mountaineers. Some jobs seem to call for special consideration on the scales of justice. Mountain rescue is one example but there are others.

For example, consider soldiers, fire-fighters, police officers, and ambulance workers. It might be fitting to allow these workers to disclaim consequential responsibility for any injuries they might suffer for a number of reasons, but one plausible reason is that it is in taxpayers' interests to offer a package of benefits that can be justified to these individuals and which will induce them to undertake these types of dangerous jobs. On this reasoning, if someone is actively considering various types of professions but opts to do a job that involves some form of public service, as these jobs do, then it is not unreasonable for society as a collective body to assume the costs of his or her medical insurance and

life insurance, because this is a division of social responsibility that can be justified to taxpayers; this, at least, is arguable.

Arguably it is another problematic feature of the choice theory of consequential responsibility that it does not discriminate between those who do and those who do not deserve to be held responsible for the consequences of their imprudent choices. In some cases it seems entirely fitting to set aside impositions of individual responsibility implied by choice in order to ensure that people do not end up in situations they do not deserve. Consider the case of Mother Teresa of Calcutta, unselfishly devoting her life to the hungry and the sick (see Arneson 1999a: 238-241; 2001: 87-89).

Reflecting on all of the above cases, do we now have grounds for saying that voluntary choice is neither a necessary nor sufficient condition for assigning consequential responsibility to individuals? I do not assume that I have offered invincible arguments in support of this conclusion, but I hope I have raised doubts over the choice-only view of consequential responsibility. In many cases individuals simply do not act in ways that can plausibly be described as 'voluntary choice' and even where they do, it is not always clear that they should be held responsible for the consequences.

My official view is that even though the presence (or absence) of choice can be useful in some cases, its incompleteness lies in its failure to take account of the wider moral significance of people's actions, and the benefits and burdens to agents and society as a whole of different attributions of responsibility. Much more on this in chapter 5. But for

now it is worth noting, of course, that the choice theorist does have a reply to this charge of incompleteness. He might insist that we should revise our considered intuitions to fit the theory rather than the other way around. Yet this response is far from mollifying. Whilst there may be little in this area that is uncontroversial, surely it would be better to admit that even though helpful and accurate in some cases, the choice-only approach is too crude to bear the weight of our intuitions in others. With this response in mind I want to introduce one final query I have regarding the choice theorist's position.

3.4 CHOICE AND CIRCUMSTANCE

As I have already mentioned, many writers in the egalitarian tradition believe that it is a key demand of justice that governments try to level the playing field for personal success but allow inequalities of outcome to develop on the strength of the way people use their opportunities. However, some writers in this tradition, Roemer for one, have also stressed that even the way a person makes use of his opportunities can be dependent on his internal abilities and other factors that might lie beyond his control. Consequently, in his book, *Equality of Opportunity*, Roemer offers a way of modelling equal opportunity that takes into account both voluntary choices and the circumstances that lie beyond a person's control. I think there is something plausible about Roemer's general approach to equal opportunity, but I also think it reveals some of the limitations of the choice theorist's reading of responsibility, and this is what I want to try and bring out now.

Roemer's proposal is to define the degree of responsibility by looking at the sorts of behaviour we can expect from people of the same type. On this view, a person is responsible for how he acts within the range of behaviour that is predicted by type, but not for the range of behaviour. This, according to Roemer, provides a way of being sensitive to voluntary choice but at the same time being clear about the influences that diminish responsibility, such as: genes, family background, culture, and, more generally, the social milieu. Among a number of examples, Roemer suggests that in distributing educational resources we should see children as belonging to different types, each type having its own expected effort range. True equal opportunity for educational success is obtained when resources are distributed such that children at the same centile of effort, across different types, have similar expected educational success no matter what type they belong to and regardless of the absolute amount of effort they make (see Roemer 1998: 10). The basic aim is to level the educational achievements of children who expend the same relative effort. In fact, Roemer claims it might not even be necessary to achieve equal achievement, provided the distribution maximises the minimum achievement levels of children at the same centile of effort, across type (see Roemer 1998: 11).

I think there is an element of justice in the claim that a person's prospects should not simply depend on how he or she behaves, but that in working out degrees of individual responsibility we should consider how other, similarly situated people behave. Nevertheless, there are a number of potential difficulties with this way of thinking about responsibility. One elementary problem is how to determine which factors influence a person's behaviour and whether such factors lie within his or her control. Staying with

the example of educational achievement, suppose social science offers predictions about the level of effort for children of different types; when confronted with a type that appears to have a particular effort range, the temptation will then be to see this range as beyond the child's control. But even if social science offers extremely accurate predictions, there is always a chance that the relevant effort range is statistically random; nothing whatsoever to do with genuine effort-influencing factors. What is more, suppose a child belongs to a number of groups, each of which has a different predicted effort range. One solution might be to say that the child belongs to a much smaller group which combines the characteristic of all these different types. But then, it might be difficult to arrive at accurate predictions about groups containing very few members, which renders the analysis much less useful.

In fact, this proposal only seems to invite vexed political disputes. Consider the case of unemployment. When confronted with a section of society that appears to have a particularly poor work ethic and high unemployment ratio, those on the political right might argue that effort is well within the control of the individual. In response to this, a liberal may well point out that a more relaxed attitude to work is a cultural trait among members of this group, and so social policy should be directed to mitigating the affect of this difference. Yet the other could come back by saying that there are individuals who appear to be members of this group but whose effort level falls outside the 'typical' effort range. The liberal then has two possible rejoinders, either that these individuals fall into a different group or that they are exceptions that prove the rule. And so the dispute may continue, back and forth.

However, even if there were no disagreement over which factors make it inevitable that people will behave in a particular fashion, a further problem is that this still might not be the right basis on which to either uphold or waive consequential responsibility. From the fact that a person has been influenced to behave in a particular way as a result of circumstances that lie beyond his control, it does not follow that resulting disadvantages are unfair.

To see this, there are cases where people are appropriately blamed for their actions but should not be left to bear the consequences. Consider one example taken from Scanlon's book, *What We Owe to Each Other*:

We can imagine a person who, as a result of generally horrible treatment as a child and lack of proper early training, is both undisciplined and unreliable. If this person lies to his employers, fails to do what he has agreed to do, and never exerts himself to get a job done, he is properly criticized for these actions and attitudes. But if they render him unemployable it would not be permissible to deny him welfare support on the ground that his unemployability is due to actions for which he is responsible. He is responsible (that is to say, open to criticism) for these actions, but he cannot simply be left to bear the consequences, since he has not had adequate opportunity to avoid being subject to them. (Scanlon 1998: 292)

But it would be misleading to say – and I think Scanlon would agree on this point – that individuals should be relieved of consequential responsibility whenever they have been influenced by others to act as they do. As Dworkin quite correctly points out, it also seems to matter what type of influence is involved:

Scanlon suggests that in certain cases in which it would be proper to blame people for their decisions, their community might nevertheless have reason to relieve them from consequential responsibility for those decisions . . . He discusses someone who has grown up work-shy in an environment in which his peers discourage a taste for work. We might not be as ready to refuse such a person unemployment relief, on the ground that he is unwilling to work, as someone not from such a background. We must take care, however, to distinguish two reasons we might think we have for that special treatment. We might think, first, that since he did not choose his distaste for work, he should not be asked to conquer it. Or we might think, second, that if he and his peers developed no interest in work because unjust and inadequate education or poverty or prejudice insured that work was not available to them on reasonable terms, it would be unfair to force him, to accept the consequences of his distaste now. We can distinguish the two cases by imagining two different stories: that Scanlon's work-shy person is an upper-class twit raised to think that work was beneath his class and, second, that he grew up in a desperately poor urban slum with high and endemic unemployment. The first of the two reasons just distinguished would treat both these stories alike; the second would treat them

very differently. I accept the second reason, and would distinguish the stories.

(Dworkin 2000: 490n.9)

So, for all the importance placed on the cut between influences on a person's behaviour that do and influences that do not lie beyond his control, it seems we still require a theory that tells us which of the various influences that might lie beyond a person's control are sufficient to relieve him of consequential responsibility. This theory, if successful, would explain, for example, why intuitively it seems fair that an upper-class twit should be held responsible for the consequences of his actions even though he did not choose his distaste for work. Faced with the task of identifying those aspects of environment that influence behaviour in a responsibility-abrogating way, Roemer openly admits, however, that he has no formal theory:

I do not have a theory which would enable me to discover exactly what aspects of a person's environment are beyond his control and affect his relevant behaviour in a way that relieves him or her of personal accountability for that behaviour. In actual practice, the society in question shall decide, through some political process, what it wishes to deem "circumstances". (Roemer 1998: 8)

Roemer's contribution to egalitarian theory has been to offer a formal definition of equal opportunity that incorporates within its terms sensitivity to both voluntary choice and aspects of a person's environment that lie beyond his control. So perhaps it would be too much to expect from Roemer, in addition to this, a formal account of those aspects of

a person's environment that relieve him of responsibility for his behaviour. However, having said that, it is not obvious (to me at least) that a formal account is even the right kind of theory. I think there is something attractive about the suggestion that: 'In actual practice, the society in question shall decide, through some political process, what it wishes to deem 'circumstances''. However, arguably, what is most attractive is not so much the thought that government should try to mitigate the influence of circumstances on people's prospects, drawing on what the public deems circumstances to be, but that in a fair society the division of consequential responsibility is something that can be open to public discussion. I accept the spirit of this proposal and shall try to develop it further in chapter 5. Even so, if this is the spirit, then there is no reason not to bear in mind what other reasons, besides the distinction between voluntary and involuntary disadvantage, citizens might reasonably have for dividing consequential responsibility in one way or another. This seems to me to be the most likely outcome of leaving it to each society to decide what it wishes to deem circumstances.

Putting the same point slightly differently, Roemer's proposal to consult the will of the people through some political process is plausible. The basic premise is that justice demands general agreement about which are the right divisions of consequential responsibility. However, this potentially takes us some distance from the original distinction between voluntary and involuntary disadvantage. There seems to be no way of ensuring – nor do I think there should be – that voters (or their representatives) will not consider (or be moved by) various reasons in deciding what they wish to deem circumstances. If an individual is out of work through stress or because she cannot find

suitable employment for her skills or because she is looking after her children, society may well decide that these are responsibility-abrogating circumstances. I accept that this could well be a fair division of responsibility. But in forming this opinion it does not have to be assumed, nor is it likely, that these circumstances are actually beyond the control of the agent. The reason might simply be that, all things considered, it is not unreasonable for society at large to take responsibility for these circumstances. This, however, then raises the following question: which other reasons deserve to be considered in arriving at reasonable assignments of responsibility? It is to this important question that I turn in the next chapter.

To bring this chapter to a close, I do not deny that it can be fitting to hold individuals responsible for personal misfortunes if those misfortunes have resulted from their voluntary choices. Closer contemplation on specific cases, however, makes it difficult to believe that the justice of assigning responsibility to individuals depends *solely* on whether or not a voluntary choice was made. We have found that this justification either falls away because people do not make the relevant kinds of choices or is open to strong objections when they do. One plausible solution is to consult the will of the people to find out how, more exactly, the division between individual and collective responsibility should be made. However, this suggestion might well move us beyond the initial distinction between voluntary and involuntary disadvantage.

4 PERSONALITY

We have seen that some writers offer a formal approach to questions of consequential responsibility in which the cut between individual and collective responsibility is reduced to a more basic, non-moral distinction between choice and brute luck. However, some egalitarians argue that crucial to understanding this distinction is an account of various elements of the self that underpin those choices including tastes, preferences, ambitions, beliefs, and judgements of value of different sorts. If successful, this theory would show why personality (not just choice) can be an appropriate basis for assignments of consequential responsibility. But what exactly is personality? And why does the fact that a person has a deeply held conviction justify holding him responsible for the consequences of his actions?

4.1 LOUIS AND HIS EXPENSIVE TASTES

Central to Dworkin's work on equality has been the attempt to debunk 'equality of welfare' as a moral ideal. One pillar of Dworkin's anti-welfarist position is the argument that there is no coherent conception of welfare (whether as a psychological state or as the bare satisfaction of preferences) with which to develop a theory of equality; not, that is, a conception which welfarists have hitherto been able to cash out (see Dworkin 1981a; 2000: 285; 2004: 341-2). However, a second powerful argument that Dworkin directs

against welfarism is the 'expensive tastes' objection, and this is what I want to explore in this chapter.

Few examples in the 'equality of what?' literature have been commented on as much as Dworkin's example of Louis and his expensive tastes. We are asked to 'suppose that someone (Louis) sets out deliberately to cultivate some taste or ambition he does not now have, but which will be expensive in the sense that once it has been cultivated he will not have as much welfare on the chosen conception as he had before unless he acquires more wealth' (Dworkin 1981a: 229). Dworkin lights on the example of tastes for plovers' eggs and pre-phylloxera claret. These tastes are deliberately obscure, designed as they are to cast doubt on equality of welfare as a moral ideal. The rest of Dworkin's argument is formulated as follows. If we were serious about equalising people's welfare (enjoyment or preference satisfaction), then we would have to give Louis extra resources taken from those with less expensive tastes. This is because Louis requires extra resources in order to achieve the same level of welfare as others. This result, however, is implausible, since it forces the less frivolous to pay for Louis' expensive ('champagne') tastes. Therefore, equality of welfare is not an ideal we should endorse (see Dworkin 1981a: 229).

At first glance, it might seem obvious why Louis does not have a right to additional resources. Louis has deliberately set out to cultivate his new tastes, he has intentionally chosen to have these tastes rather than tastes he can afford. Influenced by the work of Dworkin, other egalitarians have taken up the challenge of redefining the basic egalitarian impulse to take account of this point. The standard response among egalitarians post-

Dworkin to the case of Louis has been to argue that egalitarianism does not attend to voluntary inequalities of welfare (see, for example, Cohen 1989; 1993; and Arneson 1989; 1993). This line of response first appeared in Cohen's article, "On the Currency of Egalitarian Justice." In this article Cohen argued that one of the primary egalitarian impulses is to extinguish the influence of exploitation on distribution (Cohen 1989: 908). But whereas those on the left have traditionally written about exploitation in terms of the exploitative relationships between wage labourers and those who own the means of production – Marxists argue that the owners of capital are essentially idle but live off the hard work of the dispossessed, alienated masses – in this article Cohen warned against the possible exploitation of taxpayers by those who, for example, develop expensive tastes:

Consider people who convert resources into welfare inefficiently, so that, if welfare is to be equalized, they must be given twice the resources that ordinary converters get. These bad converters divide into various subsets. Some of them are inefficient because they are negligent or feckless in a morally culpable way: they buy their food at Fortnum's because they cannot be bothered to walk up to the Berwick Street market. Others are blamelessly inefficient, because they are in some way disabled. They need twice the normal ration because half of such a double-share is required to overcome the ill fare effects of a handicap from which they suffer. That half could be the cost of their renal dialysis. Now there seems to me to be an egalitarian objection to a policy of ensuring the Fortnum's customer's welfare level is as high as everybody else's. It seems to me, when other people pay for his readily avoidable wastefulness, there is, *pro tanto*, an

exploitative distribution of burden which egalitarians should condemn. Equality of welfare should here be rejected not because of other values but because it is inequalitarian. (Cohen 1989: 911)

So, initially it appears that the lesson we are supposed to glean from the example of Louis is the familiar thought that people should not have to pay for the voluntary choices of others. However, there are two important pieces of textual evidence that tell against this line of interpretation of Dworkin. The first piece of evidence is that, having introduced the example, Dworkin immediately plays down the significance of the fact that Louis deliberately set out to cultivate his expensive tastes. Dworkin begins by explaining in more detail why Louis set out to cultivate his expensive tastes:

If Louis develops a taste for plovers' eggs, he must believe that a life of satisfying expensive tastes is a better life overall in spite of the fact that it will provide less enjoyment, and might believe it better even if it would provide much less enjoyment . . . It is plausible to suppose that beliefs of that sort figure even in the best accounts of why people in our own economy develop the less admirable expensive tastes – champagne tastes – that figure in the usual examples. For if someone like Louis wishes to lead the life of people in New York magazine ads, this must be because he supposes that a life in which rare and costly goods are savoured is a life better because it knows a greater variety of pleasures, or more sophisticated pleasures, or, indeed, simply pleasures that others do not know, in spite of containing less pleasure overall. (Dworkin 1981a: 231-232)

For Dworkin, then, what is significant about Louis' new tastes is that they reflect his new beliefs about what kind of life is better overall. Dworkin continues:

This explanation of Louis' behaviour challenges the importance of the distinction we have thus far been assuming between expensive tastes that are deliberately cultivated and other aspects of personality or person, such as native desires or socially imposed tastes, that affect people's welfare. For the explanation suggests that such tastes are often cultivated in response to beliefs – beliefs about what sort of life is overall more successful – such beliefs are not themselves cultivated or chosen. Not, that is, in any sense that provides a reason for ignoring differences in welfare caused by these beliefs in a community otherwise committed to evening out differences in welfare. I do not mean that beliefs are afflictions, like blindness, that people find that they have and are stuck with. People reason about their theories of what gives value to life in something of the same way in which they reason about other sorts of beliefs. But they do not choose that a life of service to others, for example, or a life of creative art or scholarship, or a life of exquisite flavours, be the most valuable sort of life for them to lead, and therefore do not choose that they shall believe that it is. We may still distinguish between the voluntary decision someone makes to become a person with certain tastes, or to lead the sort of life likely to have that consequence, and his discovery of tastes and ambitions that he just has. But the

distinction is less important than is sometimes thought, because that decision is rarely if ever voluntary all the way down. (Dworkin 1981a: 232)

So if there is any insight to be gleaned from the example of Louis, this passage clearly shows that it is far more subtle than the claim that Louis should bear the consequences of his tastes because they are voluntarily chosen.

A second piece of evidence for the subtler interpretation of Dworkin comes by way of the fact that Dworkin rejects the idea that unchosen tastes raise a case for compensation or subsidy. His many reflections on this point appear in his recent book, *Sovereign Virtue*, which includes the original article, "Equality of Welfare" as well as material published for the first time in that volume. Although these reflections are difficult to interpret, not least because it is unclear whether passages in the newly published chapters are supposed to expand upon the reprinted material or simply replace that material, it is possible to make out the following two claims.

- (a) To compensate individuals for unsatisfied tastes and preferences is counter-intuitive since it contradicts people's ordinary ethical identifications and practices.
- (b) To compensate individuals for unsatisfied tastes and preferences undermines the existing fair distribution of resources.

The first claim (a) represents Dworkin's intuitive case against compensation for unchosen tastes. The second claim (b) is based on his own principle of distributive justice, Equality of Resources. (b) is supported by two further hypothetical arguments.

(b1) Shipwreck survivors faced with the task of dividing the available resources on a desert island are unlikely to agree to divide resources in a way that is sensitive to some people's expensive tastes.

(b2) Faced with questions about what kinds of insurance they would purchase against a range of misfortunes, the shipwreck survivors are unlikely to want to purchase insurance against having unsatisfied tastes and preferences.

I will consider the intuitive argument (a) first.

4.2 DWORKIN'S INTUITIVE CASE AGAINST EQUALITY OF WELFARE

It is possible to extract from Dworkin's "Equality of Welfare" and chapter 7 of his *Sovereign Virtue* the following argument against compensating expensive tastes.

(1) There is an ethical distinction people ordinarily make between circumstances and personality.

(Dworkin 1981*b*: 303; 2000: 290, 293).

(2) There is a common practice of taking consequential responsibility for tastes, preferences, values, beliefs, convictions, and so on.

(Dworkin 2000: 290, 294)

(3) There should be continuity between public principles of distributive justice and conventional distinctions and practices such as (1) and (2).

(See Dworkin 2000: 294-6, 323-4)

Therefore,

(4) The State should hold individuals responsible for their expensive tastes.

(See Dworkin 2000: 298)

How convincing is this argument? To begin with the first premise, what does Dworkin mean when he asserts that ordinarily people draw an ethical distinction between circumstances and personality? Dworkin's basic thought seems to be that whereas agents tend to look upon their tastes, preferences, ambitions, desires, character traits, and so on, as defining their ends, they regard their resources (such as talent, income and wealth) as defining the means they have at their disposal for achieving their ends (see Dworkin 1981*b*: 303; and 2000: 293). How is this separation manifest? Dworkin contends that we typically identify with our preferences, in the sense that we do not regret having them and do not believe we would be better off without them, but may disidentify with our circumstances, wishing things were different so that we might pursue our ends more easily (see Dworkin 1981*b*: 302-303).

In fact, Dworkin argues that almost everything that individuals are willing to count as tastes, preferences, ambitions, desires, and so on, are suffused with deeply held beliefs and judgements of value. Louis, for example, develops a passion for plovers' eggs and pre-phylloxera claret, for example, because he believes that having these tastes will make his life better overall. This, according to Dworkin, is one thing that differentiates normal human beings from 'buzz' and 'tick addicts' who identify with their tastes and ambitions in an impersonal way. For them, the fundamental goal in life is to get as many thrills or satisfy as many preferences as they can, irrespective of the quality of the particular experience and the content of the particular preference. For normal human beings, however, it is the intimate connection with a taste or preference that explains why these things define what a successful life would be (see Dworkin 2000: 293). As Dworkin puts it:

It would strike us as bizarre for someone to say that he should be pitied, or compensated by his fellow citizens, because he had the bad luck to have decided that he should help his friend in need, or that Mozart is more intriguing than hip-hop, or that a life well lived includes foreign travel. (Dworkin 2000: 290)

I think there is something plausible about what Dworkin has to say about identification, in particular, the claim that individuals tend to look upon their tastes, preferences, ambitions, desires, and so on, as defining their ends. I am much less convinced, however, that identification in this sense is a sufficient condition for imposing responsibility on agents. The question we must consider is this: does the fact that a

person identifies with his tastes and preferences necessarily carry over into any claims for extra resources he might make such that it would be bizarre for him to ask for extra resources for those expensive tastes and preferences he identifies with? It is not difficult to think of counter examples.

Would it be so strange for a person with a passion for opera (as opposed to rock music) to ask the government to subsidise the cost of this musical experience on the grounds that it is entirely beyond his control that opera is a relatively expensive interest to pursue? In the words of Cohen:

people can certainly without any self-misrepresentation or incoherence ask for compensation for (what might be, in every relevant sense) the *circumstance* that their taste is expensive. Whether or not it is weird to regret one's preference for reading certain kinds of books (that *happen* to be expensive), there is nothing weird or self-alienating in regretting precisely this: that the kinds one wants to read are expensive. (Cohen 2004: 11)

The second premise in Dworkin's argument alleges a common 'practice' of taking responsibility for personal tastes and preferences.

Ordinary people, in their ordinary lives, take consequential responsibility for their own personalities. (Dworkin 2000: 290)

The critics could not just appeal to a supposed normative principle holding that people should never be held responsible, in any sense of responsibility, for what they have not deliberately chosen. That principle would be contradicted [. . .] by our practice of taking consequential responsibility for our convictions. (Dworkin 2000: 294)

It is not entirely clear what Dworkin has in mind by ‘our practice of taking consequential responsibility for our convictions’, but whatever it means it must entail something related to the ‘the conventional distinction we all make between circumstances and personality’. The conventional distinction informs the practice of taking consequential responsibility for our convictions? But what is the practice?

Perhaps the idea is that generally speaking people develop and adjust their personal ends to make themselves happy without hope or expectation that society at large will pay for their expensive tastes and preferences to be satisfied. To be more precise, people either work hard to pay for the items they desire or they try to reform or revise tastes and preferences they cannot achieve. Or else, they simply come to terms with their unhappy lot. Putting the same point slightly differently, if Louis were a real person, it is highly unlikely that he would turn up at the local welfare office and ask for special funds to purchase plovers’ eggs and pre-phylloxera claret, and even less likely that the welfare office would give him the money if he did.

Dworkin, then, seems to regard the practice of taking consequential responsibility for our personal ends as a natural consequence of the fact that people ordinarily identify with their tastes and preferences. But can we imagine a world in which the practice does not match the distinction? Can we imagine a world in which a person has a propensity not to take responsibility for his preference for opera over rock music even though he identifies with his preference? I think it is possible to imagine such a world if we add to the story the fact that the person identifies with his preference but not with the arbitrary expense of satisfying that preference. In this scenario, our agent would be willing to ask for public funds not in spite of his strong identification with his preference but because of the importance he places on it.

Now it is certainly true that the terms 'welfare state' and 'welfare worker' are traditionally associated with the essentials of life such as food, clothing, housing, and health care. But one could certainly envisage a possible world in which there are many more strands to public spending besides these staples. More importantly, even if few people are willing to make distributive claims against others for these sorts of reasons, this would still not justify the claim that it is inappropriate to do so. One cannot proceed from a factual statement about the claims that people currently make, to a moral conclusion about how state authorities should treat possible claims in the future. So long as the claims that people are willing to make now reflect their beliefs about what government agencies are likely to accept, those agencies are not justified in denying alternative claims simply because people do not presently make them. If social welfare activities were broadened to include a much wider variety of human interests, it is

certainly not inconceivable (quite likely even) that more people would be willing to make claims. Perhaps the anti-welfarist will try to insist that this merely proves that people will try anything on. But this is precisely the issue at stake; that is, whether we interpret such requests as 'reasonable claims' or as 'people trying it on'. One way to establish the answer might be to ask those people who make these claims if they think that others should also be compensated for their expensive tastes. If they think they should, then arguably they are not trying it on.

There is also a difficulty here with Dworkin's use of second-order preferences to establish personal responsibility or lack of it. Key to his analysis is his distinction between ordinary tastes and preferences, on the one hand, and obsessions and cravings, on the other hand. Dworkin argues that whereas people identify with their ordinary tastes and preferences, they tend to regard obsessions and cravings, if they have them, as impediments to a successful life. An obsession or craving is something that people do not see as an aspect of their own personality. These are difficulties they believe they would be better off without. For Dworkin, an obsession or craving is rightly considered a 'circumstance' in a way that ordinary tastes and preferences are not (Dworkin 1981b: 302-303).

This distinction is certainly interesting but it is not difficult to find fault with it. One problem is that second-order preference-repudiating attitudes are much less helpful in identifying cravings than Dworkin seems to think. As Cohen has quite correctly pointed out, a person in the grip of a genuine obsession or craving is too unreflective to form the

kind of second-order preference-repudiating attitude which Dworkin thinks is necessary to generate a claim to remedy or mitigation (Cohen 1989: 926). In fact, the inability to engage in critical reflection seems to be characteristic of an obsession or craving, where the victim is effectively rendered immobile except for all thoughts and deeds relating to the satisfaction of the relevant desire.

Further difficulties emerge in connection with Dworkin's hypothetical insurance market. For one thing, implicit in this thought experiment is the assumption that it is right to consider the issue of insurance for cravings and obsessions from a perspective in which everyone has an equal chance of acquiring cravings and obsessions. What justifies this assumption? Surely in the real world some people are more likely to develop cravings than others, partly because of the way they lead their lives. This is not a trivial point. People who do not take drugs of any kind are extremely unlikely to ever become heroin addicts. And they might not unreasonably reject a proposal that sees them contributing the same amount towards drug rehabilitation clinics as those people who do take drugs. There is, then, a need for finer divisions of responsibility in terms of the exact details of the proposals. I do not think we can simply assume equality of chances.

Another problematic feature of Dworkin's argument comes to the fore when we consider the steps some people take (or do not take) to thwart or conquer personal ends such as tastes, preferences, goals, and ambitions. To my mind the activity of preference-repudiation must go hand-in-hand with the genuine state of mind of preference-repudiation. When a person does try to divest himself of a taste or preference it is

invariably because he disidentifies with that thing. Can we really give credence to the thought of someone taking steps to conquer or dispel an expensive taste or preference even though he identifies with that thing? Dworkin, however, seems rather unclear about the relevance of people's efforts to conquer or dispel troublesome tastes, preferences, desires, and so on. At certain points he claims that any such things we struggle to conquer or dispel, we do so because we view them as impediments to our overall success and happiness. They are akin to obsessions and craving and therefore properly assigned to our circumstances (see Dworkin 1981*b*: 303; 2000: 293). At other places, however, he claims that trying to reform or overcome desires and character traits is one of the ways in which people commonly take responsibility for their choices:

We take responsibility for our choices in a variety of ways. When these choices are freely made, and not dictated by others we blame ourselves if we later decide that we should have chosen differently. We evaluate and criticize the ambitions out of which our choices are made. We try to reform or overcome those character traits that have led us to make choices we would prefer not to have made. (Dworkin 2000: 323)

My own view is that trying to thwart or conquer a taste or preference is linked to preference-repudiation but as a sign of that repudiation rather than as a consequence of it. To illustrate my interpretation, suppose someone claims to disidentify with his expensive tastes. He says that he regrets his tastes and thinks his life would be better overall if he did not have them. But what if this person has made no effort to try to prefer other

things? Suppose, for example, he has made no effort to try cheaper alternatives. With this added information, it now seems much less certain that he *really does* disidentify with his tastes. Surely this example shows that it is ethical practices that shed light on people's second-order taste-repudiating attitudes, not the other way around, as Dworkin appears to suggest.

In his later work Dworkin draws a further distinction which I think might help to clear up the present worry about preference-repudiation and preference-repudiating activity. The distinction has the following form:

[There are] two forms of bad luck that people might claim because their tastes are expensive: bad *preference* luck, which is their bad luck in having the preferences they do because these preferences are expensive, and bad *price luck*, which is bad luck in the high cost of the preferences they have. The difference appears when we ask whether the claimant would rid himself of the preference if he could; whether he would take a costless pill with no side effects to do that. (Dworkin 2004: 344)

According to Dworkin, if the claimant would take the pill that would rid him of the preference, then he has bad preference luck. But if he would not take the pill, then he suffers bad price luck. Dworkin takes the further view that bad price luck is not something that merits compensation. So, for example, the person who prefers opera and would not take the pill because his preference is suffused with beliefs about how

wonderful opera is does not, in Dworkin's view, suffer from compensable bad luck (see Dworkin 2004: 345). I am uncertain whether this distinction is helpful in making just assignments of consequential responsibility; not, at least, defined in terms of the pill test. But what I think this test does help us to do is to cement the link between preference-repudiation as a state of mind and preference-repudiating as an activity. In the above description of preference-luck and price-luck, preference-repudiation is signalled very clearly by the willingness to perform a simple act of repudiation, by taking the pill.

Let us now turn to Dworkin's final premise. One of the central claims of Dworkin's *Sovereign Virtue* is that there ought to be 'continuity' between political principles of distribution and our ordinary ethical distinctions and practices (see Dworkin 2000: 294-295, 323-324). The task of evaluating this claim, however, is made more difficult by the fact that Dworkin offers scant description of the term 'continuity' and little evidence for supposing that continuity is something to be cherished. Even so, one thing we can say about continuity is that it refers to the way in which Dworkin thinks political judgements of responsibility should take account of people's second-order preferences. On this view, we should, in politics, respect the fact that for most of us the reasons why we like the things we do is a result of our own particular beliefs and judgements of what gives value to life and not the desire to get as many 'buzzes' or 'kicks' as possible. In other words, people like opera because they consider it to be sublime. In contrast to this, Dworkin believes that those who do not adopt continuous theories 'propose that we should all pretend, in politics, that we are addicts – that we should all act collectively in ways that we would find demeaning individually'. He writes:

There may be a reason for such collective self-degradation, but I do not know what it is. (Dworkin 2000: 295)

Of course, the idea that second-order preferences should offer a guide to responsibility is not original to Dworkin. This line of thought can be traced back to Harry Frankfurt's case of the willing drug addict. This addict is unusual in that he fully identifies with the life he leads and does not regret the cravings that make him go out and do bad things. This, according to Frankfurt, may be sufficient to justify holding the addict morally responsible for his actions even though they are in a sense involuntary (see Frankfurt 1971). However, Dworkin's contribution has been to apply the same kind of reasoning to questions of distributive justice. Dworkin's view is that government should be willing to hold individuals responsible for their own tastes and preferences because those individuals identify with those tastes and preferences. Louis, for example, wishes to ape the lifestyles of the rich and famous (see Dworkin 1981a: 232). So it is debatable whether offering Louis free plovers' eggs and pre-phylloxera claret is going to give him what he really wants. Louis wants to develop a taste for things that the vast majority of people cannot afford to experience. Surely it would destroy the point of having such tastes if everyone had the right to ask for money to enjoy them.

Now, at this stage in the discussion, some might wonder if facts about identification add anything to the interpretation of these sorts of cases that a choice-based analysis could not offer. In his "On the Currency of Egalitarian Justice", for example, Cohen

agrees that when assigning consequential responsibility sometimes it is not enough merely to ask if a person chose his personal ends. He considers the case of someone who experiences feelings of guilt caused by his religious beliefs, and admits that it might be fitting to hold him personally responsible for these feelings even if they are unchosen. Cohen claims that the following amendment to the original choice-based analysis is adequate to capture this thought. Instead of asking whether a person chose to have his tastes, desires, feelings and the like, we can ask whether 'he would choose not to have them if he could' (Cohen 1989: 937).

It is debatable, however, whether this revision is, as Cohen claims, 'a natural development of the original view' (Cohen 1989: 937). Whereas the original view took as its touchstone the genesis of personal disadvantages as a metaphysical question, the revision seems to bring into play how the agent views his disadvantages, in this case whether he would choose to be without his beliefs, desires and preferences. Even if we employ Cohen's formulation, we still have to ask whether a person identifies with the relevant taste or preference because this is surely highly relevant as to whether he would choose to be without it if he could. So, by asking whether people would choose not to have their tastes and preferences if they could, we invite the claim that people generally would not choose to be without their tastes and preferences because they identify with them.

Returning now to the notion of continuity, a further clue to its meaning can be found in Dworkin's discussion of the vexed problem of free will. Some egalitarians (including

Cohen and Arneson) argue that individual responsibility is incompatible with the philosophical theory of hard determinism. To the extent that hard determinism is true, according to Cohen and Arneson, no individual should be held responsible for expensive tastes and all differential welfare is unjust (see Cohen 1993: 28; and also Arneson 1989: 86). As Cohen ironically puts it:

We may indeed be up to our necks in the free will problem, but that is just “tough luck”. It is not a reason for not following the argument where it goes. (Cohen 1989: 934)

Dworkin, however, rejects the suggestion that whether or not people are owed compensation depends on the truth or falsity of free will. The important point, as far as Dworkin is concerned, is that people commonly accept responsibility for outcomes that reflect aspects of their personality, and they do so without the assumption that they have chosen their personality (see Dworkin 2000: 6, 294, 323). Indeed, according to Dworkin:

The distinction between choice and circumstances is not only familiar in first-person ethics but is essential to it. We might think ourselves persuaded, intellectually, of the philosophical thesis that people have no free will, and that we are no more causally responsible for our fate when it is the upshot of our choices than when it flows only from a handicap or from society’s distribution of wealth. But we cannot lead a life out of that philosophical conviction. We cannot plan or judge our lives except by distinguishing what we must take

responsibility for, because we chose it, and what we cannot take responsibility for because it was beyond our control. (Dworkin 2000: 323)

This then, for Dworkin, is another area where political judgements of consequential responsibility should be continuous with people's ordinary ethical thoughts and experiences.

I trust that we now have enough material to understand, at least roughly, what Dworkin has in mind when he talks about 'continuity'. Dworkin appears to be saying that our principles of just distribution should track the assignments of responsibility we ordinarily make in leading our lives from the inside, including first-person judgements about what is personal and what is circumstantial, and our conventional practices of taking responsibility. The question is, however, is Dworkin right?

The claim that continuity is a good thing is certainly compelling in some cases. The example of Louis is one such example. Even so, putting the argument in terms of continuity does open up the possibility of embarrassing outcomes for Dworkin if conventional distinctions and practices differ from those he has envisaged. Suppose someone draws a distinction in his mind between what he likes – let us suppose he likes opera – which he accepts responsibility for, and the arbitrary expense of what he likes, which he feels he is not responsible for. If we follow Dworkin's claim that it is fitting that political decisions about responsibility should track first-personal attitudes about responsibility to its natural conclusion, this would imply that someone who made the

above distinction would have a case for compensation. In my view this makes good sense but the difficulty for Dworkin is that this conclusion contradicts his central conviction that it would be bizarre to use taxpayers' money to help people satisfy their unsatisfied tastes.

One retort potentially available to Dworkin is to point out that individuals develop and revise their personal tastes and preferences on the basis of an understanding of the relative expense of various things, their ability to acquire these things and judgements of different sorts about what is reasonable, just and fair. So if a person likes to see live opera (say), he will generally also know whether opera is expensive, whether he can afford to see live opera, and the reasonableness, justice and fairness of the situation. Thus he cannot claim any compensation because he developed his taste in the light of this information. Yet I do not think that it would be odd for someone to claim subsidy in the event that he is unable to afford to see live opera. The strangeness of this claim depends (in part) on how he perceives the fact that opera is expensive. And it is certainly conceivable that a person might continue to like opera, even though it is expensive, if he believes it is unfair that opera is more expensive than other kinds of live entertainment. If a person had such a belief, it hardly seems bizarre for him to ask for subsidy.

To come at the same questions from a slightly different angle, I think the reason why someone like Louis does not have a plausible case for additional resources is most naturally put by saying that Louis likes plovers' eggs and pre-phylloxera claret because they are expensive and he wants to ape the lifestyles of the rich and famous. Arguably it

would defeat the point of having these tastes if coupons for plovers' eggs and pre-phylloxera claret were freely available to the poor. If everyone had access to these items, they would no longer be 'champagne tastes' and the aping would fail. That it would destroy the point of Louis' way of life if the State intervened in this way is a reason that he, and everybody else, can accept as grounds to reject subsidies. What is most important about the case of Louis for the present discussion, however, is to realise that Louis is a special case. The argument against collective responsibility for the expensive taste of Louis does not apply universally because some people have expensive tastes for other reasons. The person who loves opera does so because he loves the music and the drama, not necessarily the fact that it is expensive.

At this juncture some might question whether any amount of public subsidy for an expensive taste is an appropriate response to the problem. In his discussion of expensive tastes, for example, Norman Daniels argues that in so far as there is a case for public aid for people with expensive tastes, this case depends not on any shortfall in enjoyment or preference satisfaction as such but for any underlying psychological dysfunction there might be. For Daniels, the morally relevant question is whether or not the taste reflects an obsession or craving the individual cannot control, something that prevents him or her from leading a normal human life. On this view, if the psychological dysfunction is the problem, then the appropriate intervention is therapy rather than subsidies for consumption (see Daniels 1990: 288-290). But I think this interpretation is misleading. Though I do not deny that debilitating obsessions and cravings do raise a case for assistance, it does not logically follow from this that dysfunction is the only appropriate

basis for assistance. On my reading, it might be fitting to subsidise consumption to reflect the arbitrary expense of the items. And I think it is a point in favour of my interpretation that it is not necessary to describe someone with an expensive taste or preference as somehow deranged, suffering from a psychological dysfunction, before we can take seriously her case for subsidy.

Reflecting on all of the above points, it seems to me that Dworkin's idea of continuity is just a smoke screen for something far more familiar to political philosophers. In saying that political principles should be continuous with our ordinary ethical beliefs and practices, the thought appears to be that our political principles should not be counter intuitive, that government should make the kinds of distinctions we feel are just. But if this is what Dworkin has in mind, then continuity is precisely what all political philosophers aim to achieve, including Cohen whom Dworkin somewhat provokingly accuses of not being interested in continuity (see Dworkin 2000: 294-295).

So far I have examined Dworkin's intuitive argument against the claim that expensive tastes and preferences raise a case for compensation or subsidy. I have argued that even though Dworkin's argument is plausible in some cases – think of Louis who prefers things because they are expensive – it is very far from intuitive in other cases. As indicated above, however, the intuitive argument does not exhaust Dworkin's case against compensation or subsidy for expensive tastes, and this is what I want to explore in the next section.

4.3 EQUALITY OF RESOURCES

Towards the end of “Equality of Welfare” Dworkin’s offers the following reason as to why Louis does not have a right to additional resources:

Louis has a choice. He may choose to keep the presently equal resources I said he had, and settle for a life with the enjoyment he now has but without the tastes or ambitions he proposes to cultivate. Or he may keep his present resources and settle for a life that he deems more successful overall than his present life, but one that contains less enjoyment. It is quite unfair that he should have a third choice, that he should be able, at the expense of others, to lead a life that is more expensive than theirs at no sacrifice of enjoyment to himself just because he would, quite naturally, consider that life a more successful life overall than either of the other two. The reason why Louis does not deserve compensation is not that the more expensive life he might choose is necessarily a worse life. He might be right in thinking that enjoyment is not all that matters, and that a life poorer in enjoyment may be, just from the personal standpoint, a more successful life overall. We say only that the first two choices are rightly his, but that the third is not. I myself find this argument both powerful and appealing. It is also an important argument for the following reason. The objection to allowing Louis the third choice described is most naturally put this way. Louis should be free (at least within the limits allowed by a defensible form of paternalism) to make the

best sort of life he can with his fair share of social resources. But he should not be free to trespass on the fair shares of others, because that would be unfair to them. But of course once the point is put that way it cannot stand simply as an argument for a compromise to equality of welfare tailored to the problem of expensive tastes. For the idea of fair shares cannot then mean simply shares that give people equal welfare on the chosen conception, because that is exactly the conception to which Louis appeals in asking for extra resources. If fair shares are shares fixed independently of that conception, however, then any compromise using the idea of fair shares becomes a contradiction. (Dworkin 1981*a*: 237-238)

This passage highlights the importance that Dworkin places on equality of resources. He claims that the objection to offering Louis additional resources is most naturally put by saying that he already has an equal share. But what is equality of resources?

Dworkin believes we can make considerable progress in developing a theory of equality of resources by looking at the following hypothetical situation. We are asked to imagine a number of shipwreck survivors washed-up on a desert island. The survivors must first distribute the available resources, and then consider how they are to deal with a range of further misfortunes. Dworkin asks us to imagine that they have the chance of purchasing insurance against a range of misfortunes, under the further stipulation that each person has the same antecedent chance of suffering these misfortunes. In answer to the first question, Dworkin believes that these individuals would agree upon an initial auction in which they can bid equally for different resources, under which scheme

resources are not distributed to achieve equal welfare or to compensate for expensive tastes. In answer to the second question, he believes that although they would be likely to want to purchase insurance against shortfalls in their talents and abilities, they would be unlikely to want to purchase insurance against having expensive tastes. Hence, Dworkin excludes welfare as a dimension of justice partly on the basis of his thought experiments about shipwreck survivors and hypothetical insurance markets.

It is debatable, however, whether these thought experiments justify the exclusion of welfare as a relevant dimension. Firstly, it is not clear (to me at least) that Dworkin's thought experiments offer a plausible guide to reasonable divisions of consequential responsibility here in the real world. Secondly, it is not even certain that shipwreck survivors would be willing to ignore the dimensions of preference satisfaction and pleasure when the auction is suggested, and that people would ignore the misfortune of having expensive tastes when the question of insurance is posed. I am going to say more in defence of the first point in the next chapter, so for the moment I shall concentrate on critically assessing the arguments on Dworkin's own terms.

Dworkin believes that his shipwreck survivors would choose an auction as a fair way to divide the available resources. Each person is given an equal amount of clamshells to bid for resources. And although the auction gives people equal bidding power, it does not aim to achieve equal welfare, nor does it attempt to compensate some people for the fact that they just happen to have expensive tastes as determined by supply and demand (see Dworkin 1981*b*: 286-290). However, in addition to this Dworkin draws a distinction

between a person whose constitution is such that he just happens to dislike the staples of his society and a person whose preferences are interwoven with his other beliefs and values. To illustrate the former, he gives the example of a person who dislikes the sour taste of tap water. This, according to Dworkin, is bad luck and is compensable; provided, that is, the person would agree to take a free and harmless pill to rid himself of the dislike if, contrary to fact, such a pill were available (see Dworkin 2000: 291). In respect of the latter, he gives the example of a photographer who savours his skill and would not take a pill. For Dworkin, this then is bad price luck and is not compensable (ibid.). How might this distinction impact on the desert island thought experiment?

Suppose the staple diet on the island is banana: bananas are in such abundance that people do not have to use many auction clamshells to bid for a lifetime supply of them. Other types of food, however, such as figs, mangoes, and coconuts are extremely rare. Now suppose among the shipwrecked there is someone whose constitution just happens to be such that he dislikes the taste of bananas so intensely that he is willing to pay almost anything not to have to eat them. He knows that he does not have an allergy (in the sense that bananas will not cause him any real harm) he just very much dislikes them. Because of his constitution, he must bid for some of the other types of food on the island and this will probably cost him almost all of his clamshells. Presumably Dworkin would accept that, as a victim of brute luck, the person who dislikes bananas can reasonably object to the proposed auction on the following grounds: 'Why should I have to use up all my bidding power to buy a coconut tree just because I happen to dislike bananas?' Dworkin could then either amend the auction so that the person is given extra clamshells at the

start or allow the auction to proceed as normal and employ the device of a hypothetical insurance market so that the person would be entitled to compensation after the auction (see Dworkin 1981*b*: 303).

What is the problem then? One problem is that potentially there is a huge domain of brute tastes that could leave very little for the auction. In other words, the scope for free choice when bidding for resources shrivels as we see that a great many tastes and preferences are brute luck, a matter of people's unchosen constitutions (see, for example, Cohen 2004: 9). However, even if Dworkin does not have to significantly amend auction (because in fact not very many tastes are brute luck), a second difficulty for Dworkin is the case of someone who dislikes bananas on more personal grounds. Thus suppose one of the shipwrecked refuses to buy bananas, not because he has a brute dislike of the taste but because he thinks bananas are an ugly fruit. His value judgement is such that he does not want to eat phallic shaped foods. Presumably Dworkin would insist that this person does not suffer compensable bad luck because he identifies with his bias against bananas. However, as we have already seen, just because a person identifies with his likes and dislikes it does not automatically follow that any claims he might make for extra resources are unreasonable. So, the mere mention of the fact that a person identifies with his dislikes does not necessarily debar his complaint against the auction.

It seems, then, that the auction potentially stands on a weak footing not only in respect of brute tastes but also in respect of personal tastes. In reply to this last revealed point, Dworkin could argue that it is part of the ideal of equality of resources that

individuals are expected to adjust their tastes in the light of information about what is available and what other people like and dislike. In "Equality of resources", for example, he writes:

So the contingent facts of raw material and the distribution of tastes are not grounds on which someone might challenge a distribution as unequal. They are rather background facts that determine what equality of resources, in these circumstances, is. Under equality of resources, no test for calculating what equality requires can be abstracted from these background facts and used to test them. The market character of the auction is not simply a convenient or ad hoc device for resolving technical problems that arise for equality of resources in very simple exercises like our desert island case. It is an institutionalized form of the process of discovery and adaptation that is at the centre of the ethics of that ideal. Equality of resources supposes that the resources devoted to each person's life should be equal. That goal needs a metric. The auction proposes what the envy test in fact assumes, that the true measure of the social resources devoted to the life of one person is fixed by asking how important, in fact, that resource is for others. It insists that the cost, measured in that way, figure in each person's sense of what is rightly his and in each person's judgement of what life he should lead, given that command of justice. Anyone who insists that equality is violated by any particular profile of initial tastes, therefore, must reject equality of resources, and fall back on equality of welfare. (Dworkin 1981*b*: 289)

For Dworkin, then, even if someone is unlucky enough to be shipwrecked on an island that happens to be scarce in what he prefers and abundant in what he dislikes, there is no rationale of justice for factoring this detail into the distribution of resources.

The question remains however: why are the ethics of equality of resources, according to which individuals are expected to adapt their tastes, more ideal than other kinds of ethics, to wit, equality of welfare, which do not disallow compensation for expensive tastes? One plausible answer might be that it is good for agents to adjust their tastes in the light of changing supply and demand; that it is a valuable exercise in personal autonomy for them to do so. I shall say more about this perfectionist argument in chapter 6. Nevertheless, the present issue has to do with fairness. Why are the ethics of resources *fairer* than the ethics of welfare? Simply reflecting on Dworkin's desert island example it is very far from self-evident that they are.

Turning now to the question of insurance, in his article Dworkin further develops the desert island thought experiment to deal with differences in people's talents, abilities and brute luck generally. He asks us to imagine what type and level of insurance people would purchase if (contrary to fact) they had an equal chance of suffering certain misfortunes. Dworkin believes that individuals would wish to purchase insurance against such misfortunes as being handicapped in certain ways, having insufficient talent to earn a decent wage, being made redundant, becoming sick, and being born into poverty (see his 1981*b* and 2000). Dworkin also concedes that insurance is appropriate if an agent considers an expensive taste to be a handicap, something he wishes he did not have. The

level and type of assistance offered to those with cravings and obsessions is then modelled on a hypothetical insurance market.

These are, for them, handicaps, and are therefore suitable for the regime proposed for handicaps generally. We may imagine that everyone has an equal chance of acquiring such a craving by accident. (Of course, for each person the content of a craving that would have that consequence would be different. We are supposing here, not the risk of any particular craving, but the risk of whatever craving would interfere with set of goals in that way.) We may then ask – with as much or as little intelligibility as in the case of blindness – whether people generally would purchase insurance against that risk, and if so at what premium and level of coverage. (Dworkin 1981*b*: 303)

However, according to Dworkin, ‘It seems unlikely that many people would purchase such insurance, at the rates of premium likely to govern if they sought it, except in the case of cravings so severe and disabling as to fall under the category of mental disease’ (Dworkin 1981*b*: 303). Moreover, Dworkin does not think individuals will want to take out insurance against expensive tastes that they *do* identify with; that is to say, against being in a world where the things they dislike are relatively cheap and the things they like are relatively expensive. He thinks people would find it bizarre to insure themselves in respect of expensive tastes, in so far as they regard those tastes as part of their personalities as opposed to a handicap.

How compelling are these assumptions? Dworkin's assumption that people would not purchase insurance against cravings and obsessions, except in case of difficulties that are so severe and disabling as to fall under the category of mental disease, is certainly open doubt. If people have cravings for expensive things that interfere with their goals, then surely it is rational for them to purchase insurance against the risk of becoming addicted? I am also sceptical about his not taking seriously the feasibility of insurance for expensive tastes generally. If individuals are concerned to get what they want out of life, why should they not want to insure against the unfortunate eventuality of the things they like becoming too expensive due to changes in supply and demand?

Dworkin might insist that the insurance thought experiment is simply not appropriate in the case of expensive tastes either because people identify with their tastes or because they are able to adjust their tastes over time if they do not identify with them. Nevertheless, it is not against having a particular taste that a person may want to buy insurance. Insurance makes sense because a person might wish to indemnify himself against the possibility that at some point in the future he will be unable to afford to purchase the things he currently likes. He could opt to forgo insurance and rely on his capacity to develop new tastes. But it hardly seems bizarre if he prefers to buy insurance which indemnifies his ability to satisfy the tastes he currently has. Supposedly the great advantage of Dworkin's hypothetical insurance approach is that it seeks out the informed, unforced decisions of equally situated persons with their own views about the type of insurance coverage (and at what level) it is wise to purchase. So it is unclear whether Dworkin can consistently ignore those who think that insurance against expensive tastes

is worth the cost. Putting the same point slightly differently, Dworkin cannot simply define expensive tastes as 'inappropriate for insurance' just by appealing to the circumstances/personality distinction. People might want to buy insurance against expensive tastes because they identify with the taste but want to insure against its cost. In other words, they want insurance in respect of the expense of the taste not the taste itself. The plausibility of this type of insurance depends, in turn, on the quite correct point that only in very special cases (such as Louis) is the expense of the taste intrinsic to its importance to the agent.

One might attempt to argue on Dworkin's behalf that the insurance market he envisages for talent luck already covers the eventuality of being unable to purchase the things one likes. Being adequately insured against lack of talent guarantees a decent level of income with which to satisfy one's tastes. But the two questions are distinct. One question is whether or not a person might be concerned that he lacks the talent to earn income. A further question is whether or not a person might be concerned that the economy is such that the things he likes are very expensive. Even with adequate income protection, it is conceivable that a person might be unable to purchase the things he likes, or that he has to use nearly all of his income to do so.

Bringing the above points together, we have seen that it is unclear from the auction and the insurance market that expensive tastes only support claims for extra resources in so far as they reflect the handicaps of people's minds and constitutions that they wish they

did not have. I think it well worth considering at this stage Rawls' version of the contractualist case against welfarism to see if it fares any better.

Like Dworkin, Rawls excludes preference satisfaction and pleasure as relevant dimensions for assessing citizens' claims when questions of distributive justice arise. He argues that rights and liberties, income and wealth, and the social bases of self-respect are an acceptable basis for interpersonal comparison, and this list of 'primary goods' incorporates the following division of consequential responsibility:

society, citizens as a collective body, accepts responsibility for maintaining the equal basic liberties and fair equality of opportunity, and for providing a fair share of the primary goods for all within this framework; while citizens as individuals and associations accept responsibility for revising and adjusting their ends and aspirations in view of the all-purpose means they can expect, given their present and foreseeable situation. (Rawls 1996: 189)

Under the terms of Rawls' proposed division of responsibility, then, it is assumed that citizens are capable of adjusting their personal ends over time, and so lack of end-satisfaction does not call forth compensation (see Rawls 1996: 186).

For Rawls, the idea is not simply that people should adjust their personal ends to whatever share of resources they end up with, but that they should adjust their ends to reflect the share of primary goods they can reasonably expect to have. According to what

principles are these shares determined? On Rawls' analysis, reasonable expectations are based on: firstly, the effective enforcement of procedural justice, including rules dealing with private ownership and fair equality of opportunity in the competition for jobs (see Rawls 1971: 83); and secondly, the idea of reciprocity or mutual benefit, namely, that those who have been favoured by nature, whoever they are, may gain from their good fortune only on terms that are to the greatest benefit of the least advantaged, as defined by income and wealth, and the social bases of self-respect (Rawls 1971: 102).

However, the question is this: on what grounds does Rawls exclude the satisfaction of expensive tastes as a primary good and, therefore, as a possible basis of reasonable expectations? One line of argument is developed through the veil of ignorance. We are asked to imagine ourselves placed under conditions of ignorance whereby no one knows his or her place in society, class position or social status, or fortune in the distribution of natural assets and abilities. We are even asked to imagine that we do not know our particular tastes and preferences, or conception of the good (see Rawls 1971: 12). Rawls believes that under conditions of ignorance, the aforementioned primary goods offer people the all-purpose means by which to pursue their own conception of the good, whatever that good might be. The assumption that citizens are capable of adjusting their personal ends over time, therefore, is not introduced to motivate the exclusion of possible claims based on expensive tastes, but as a component of a reasonable division of consequential responsibility. For Rawls, the fundamental aim is to find a division of consequential responsibility that is acceptable to everyone given that each citizen has his own advantage which it is rational for him to pursue. And he believes that placing

responsibility with individuals for expensive tastes is the best available division (see Rawls 1996: 187).

However, I am not persuaded that people would agree to this division of responsibility from behind the veil of ignorance. Surely it is not unreasonable for a person to be concerned by the possibility that he will end up with tastes he is unable to satisfy: that he has the ambition to climb a mountain but no opportunity of gaining public funds for the venture; a preference for opera but theatre seats he cannot afford; a taste for good food and drink but only the income to afford staples; a belief in organically grown produce but insufficient funds to buy those products. Even if one assumes that everyone is able to adjust his or her tastes and preferences over time, it is surely naive to think that this can be achieved without cost – cost in time, effort, money, lost opportunities and even the sacrifice of some deeply held beliefs about what gives value to life.

I do not underestimate the affect ignorance is likely to have on the decisions people make. The gamble is that if I agree to the subsidisation of expensive tastes, then I might lose the gamble by turning out to have cheap tastes. I would then be able to satisfy my cheap tastes but I would also have to subsidise the expensive tastes of others. Nevertheless, as pointed out by Rawls, the veil of ignorance is (for the risk-averse) an exercise in planning for the worst. The question we must ask ourselves is this: would it be worse to end up with expensive tastes and not have the means to satisfy them or to end up with cheap tastes which one can satisfy but simultaneously have to subsidise the expensive tastes of others? It strikes me that even if we add in the worry ‘how can I be

sure those with expensive tastes are not just pretending to have expensive tastes?', it is not necessarily unreasonable to prefer not to gamble and, therefore, to opt for subsidising expensive tastes.

However, even if we accept that people would, if placed under conditions of ignorance, take the gamble and agree to rules not subsidising expensive tastes, this then raises a further question about the veil of ignorance: what is the justification, if any, for denying knowledge of possible expensive tastes from the contracting parties? Surely it is open for someone with an expensive taste to say: 'I accept that if I were being asked to decide on proposals for a social division of responsibility with the stipulation that people must take responsibility for their welfare, then I would most probably endorse Rawls' list of primary goods as the currency of distributive justice, but I do not see why I should be made to accept this stipulation when making these sorts of crucial decisions.'

Some might say it is part of the moral furniture of a liberal society that people are expected to take responsibility for their own welfare and adjust their tastes and preferences over time. So, in that sense, perhaps Rawls is justified in his stipulation. But it is also a legitimate exercise in political philosophy to question this expectation. What shared notion of justice is this bit of ignorance supposed to reflect? One thought might be that if a person does not know his particular tastes and preferences, then he cannot be accused of being partial towards his own idiosyncratic tastes and preferences. But then it is questionable whether it is fair to expect a person to be impartial about his tastes and preferences when he is being asked to agree to proposals for a social division of

responsibility. The question is this: what right has the rest of society to expect him to be impartial on these issues? And the answer cannot be that individuals are capable of revising their ends over time. Why? Because this assumption is part of the division of consequential responsibility proposed by Rawls.

I do not deny there could be other moral reasons in favour of leaving those with expensive tastes to adjust their tastes over time or else learn to live with less preference satisfaction. Bruce Landesman, for example, insists that even though Rawls assumption that all individuals are capable of adjusting their personal ends over time might be factually incorrect, it is nevertheless a 'morally sound' assumption because it is a part of a person's good to exercise self-control in this way (see Landesman 1983: 36). I shall say more about this argument in chapter 6. Nevertheless, this sort of perfectionist argument takes us beyond the original thought that it is unfair to compensate expensive tastes. It might be morally undesirable to compensate expensive tastes but that is not the same as saying that it is unfair.

In this chapter I have critically examined the claim that expensive tastes and preferences do not raise a case of justice for public compensation or subsidy. Whilst plausible in some cases, Dworkin's intuitive argument for this claim is weak in certain respects. Even if people ordinarily identify with their tastes and preferences, this does not necessarily

weaken their claim for assistance in satisfying them. A person might well identify with his tastes and preferences but still stake a reasonable claim for subsidy for the expense of his tastes. This is because people with expensive tastes might typically identify with them but only in relatively few cases do they identify with them *qua* expensive tastes. The fact that the preference or taste is expensive to satisfy may have nothing to do with why the person identifies with it, and the factors which made it expensive to satisfy may lie entirely beyond his control. To stake a claim for subsidy on these grounds is not bizarre. If Dworkin starts out by embracing the identification position, in the end he fails to embrace it fully and lapses into inconsistency.

In responding to this challenge both Dworkin and Rawls are able to retreat to a higher level of abstraction. They argue that we should seek a division of consequential responsibility that is acceptable to all under conditions of freedom and equality, and that viewed in this light it is fitting not to compensate or subsidise expensive tastes and preferences. However, even if we accept this general strategy, its conclusions are open to question. It is unclear whether either of the thought experiments employed by Dworkin or Rawls discount equality of welfare as they suggest. This is because it is unclear that individuals would reject public subsidy for expensive tastes, even when placed under hypothetical conditions of freedom and equality. And it seems this outcome can only be undermined by assuming precisely what is at stake.

5 REASONABLENESS

So far I have explored two main types of criteria for dividing consequential responsibility: the choice/luck distinction and personality. I have argued that focusing on these criteria can be useful in some cases but is unsatisfactory in many other cases where it offers at best an incomplete account of the subject matter and at worst misleading and, at times, false implications. My point is not just that theorists have sometimes neglected to apply these criteria consistently but that some of the existing literature runs into difficulty by failing to bear in mind other relevant criteria.

The aim of this chapter, then, is to explore if a better way of looking at the examined cases might be to focus on what a reasonable division of consequential responsibility would be like. I shall start by distinguishing two different ways that the idea of reasonableness might be incorporated into our judgements of consequential responsibility. I will try to defend the second of the two alternatives. According to what I call 'inclusive' theories of consequential responsibility, a reasonable (and in that sense just) division of responsibility is one that can be justified to each of the persons affected by it on the balance of all the reasons in play. Having outlined the main features of this, I shall attempt to flesh out some of the reasons that I believe have been overlooked by choice and personality theorists and apply these reasons to a number of examples. Finally, I shall explore some possible replies to the inclusive theory defended in the chapter.

5.1 REASONABLENESS AND CONSEQUENTIAL RESPONSIBILITY

Let me begin, then, by distinguishing the two different ways in which the idea of reasonableness might figure in our assignments of consequential responsibility. Luck egalitarians argue that when evaluating the justice or otherwise of a person's situation we should bear in mind not simply his outward opportunities but also his level of information, attitudes, character traits, abilities, and other internal factors that might influence the way he makes use of his opportunities, which factors could potentially lie beyond his control. On this formulation, the degree of individual responsibility depends on the conduct we can *reasonably* expect of him given his choice-making and choice-following abilities.

A second way of incorporating the idea of reasonableness into our assignments of consequential responsibility, on the other hand, is to try to establish which attributions of responsibility are reasonable in the sense of being justifiable to those concerned given a number of reasons not just the distinction between what does and does not lie within a person's control. Under this second formulation, the primary aim is not to uncover underlying aspects of the person (his or her choices and/or second-order preferences) in virtue of which it is right to impose consequential responsibility but to uncover a range of reasons that may or may not support individual responsibility including reasons which have to do with the impact on people's lives of imposing responsibility.

The main difference between the two approaches rests on the following. According to the first view, if reasonableness has a role to play in responsibility attribution, then it must do so in the service of the choice/luck distinction. According to the second view, however, the truth is exactly the reverse. My central business in this chapter is to try to show that, cashed out in the right way (that is, with plausible reasons), the second formulation provides the best hope of a theory of consequential responsibility that has accurate and convincing implications. But before looking at the various reasons incorporated by the inclusive theory, let us begin with the first formulation.

I. Arneson on choice-making and choice-following abilities

In a series of articles on egalitarian justice, Richard Arneson has suggested that when assessing the justice or otherwise of people's prospects we should weigh into our considerations not only the fact that people make different choices but also the fact that some people have better choice-making and choice-following abilities than others, through no fault of their own. Making a choice involves a number of abilities: the ability to consider the relevant information, to understand the possible consequences of actions, to calculate the different moves that might be necessary to achieve ends, as well as the strength of character to carry out intended courses of action in the face of temptation. What is more, Arneson holds out that people can differ in these abilities as a result of environmental and genetic factors over which they have no control. This, according to Arneson, affects the kinds of choices we can reasonably expect them to make and in turn

the kinds of disadvantages we can reasonably hold them responsible for (see Arneson 1995: 239; 2000: 507; 2001: 86; see also Barry 2005: 137).

For Arneson, therefore, true equality of opportunity for welfare obtains among a number of persons when government acts to mitigate the influence of variations in choice-making and choice-following abilities, so that from the outset each person has the same expected welfare as everybody else if he behaves as prudently as we can reasonably expect him to behave given his own particular choice-making and choice-following abilities. What, if any, implications does this view have for social policy? Arneson's policy proposals include compulsory insurance schemes that counteract individual imprudence – which is a matter of brute luck – by taking certain choices out of people's hands (see Arneson 1995: 239).

I do not think, however, that Arneson's reading of reasonableness is conclusive. That something is awry with this reading becomes plain if one tries to make intelligible the reason why responsibility-abrogation is justified. There seem to be just two reasons. One reason is that people do *not* have control over their choice-making and choice-following abilities and so it would be unreasonable to impose consequential responsibility on someone who is prone to making imprudent choices. A second reason is that people do have control over their choice-making and choice-following abilities but that some people make such imprudent choices leading to such bad outcomes as to make it unreasonable that they bear the consequences. It is difficult to make sense of Arneson's argument either way however, and this is what I intend to try to demonstrate now.

To begin with the first reason, the basic idea is that if people do not have control over their choice-making and choice-following abilities, then it is wrong to impose consequential responsibility on the imprudent. And if people can disclaim responsibility on the grounds that they do not have control over their choice-making and choice-following abilities, the upshot is that it is right to take the relevant decisions out of people's hands. However, if the real aim is to take responsibility-attracting-decisions out of people's hands, what was presented as an equality of opportunity for welfare view becomes a straightforward equality of welfare view. There is no longer *any* opportunity for personal responsibility.

The second reason is that people do have genuine choice but that some people make such imprudent choices that it is unreasonable to leave them to bear the consequences. This still allows some room for personal responsibility but incorporates a much broader conception of reasonableness. The idea is no longer simply that the State should try to mitigate bad luck – including bad luck in the distribution of choice-making and choice-following abilities – but that we should not hold people responsible for their choices if those choices lead to very bad outcomes. If this is an important additional feature of reasonableness, however, then Arneson must supply an additional theory to explain how and why. This theory must explain when and for what reasons it is unreasonable to hold individuals responsible for the very bad consequences of their imprudent choices, and must not appeal to the distinction between choice and luck in doing so. I do not say that adopting a broader conception of reasonableness would be an inappropriate strategy in

developing a theory of consequential responsibility. On the contrary, I shall argue below in favour of a theory of responsibility that relies on exactly this conception. Rather, my present point is that in order to make sense of Arneson's use of the term 'reasonable' we must go beyond the original choice/luck-based theory of consequential responsibility. Can we do any better by analysing reasonableness more inclusively?

II. Inclusive theories of consequential responsibility

Thus far consequential responsibility has been described in the following terms. First we ask whether a person has made a genuine choice or, if not a choice, identifies with his or her preferences. This then helps us to decide if it is just to hold the agent responsible for the situations that his acts (or omissions) have created. Having established whether it is just to impose consequential responsibility, we then decide if in fact we should do so taking into account other moral considerations. At this point we might consider some of the possible effects of holding the agent responsible and possible reasons we could have for collectivising responsibility. There is, however, a second way of thinking about consequential responsibility which I believe is superior and that I shall try to defend in this chapter.

We need a distinction between two types of theories of consequential responsibility. According to what one might call 'formal' theories of consequential responsibility, the goal is to employ practical reason in order to uncover underlying non-moral features in

virtue of which it is right to hold people responsible. These theories focus on the following types of question. Did the person have control over whether or not the disadvantage came about? If he had control, did he have foresight? Did he make a deliberate choice? Was the choice authentic or was it coerced? If the person did not have a choice, would he have chosen differently if, contrary to fact, he did have a choice? Did the choice reflect aspects of his personality such as beliefs/preferences/traits? Does he identify with or disidentify with (wish did not have) the beliefs/preferences/traits?

According to what I shall call 'inclusive' theories of consequential responsibility, on the other hand, it is entirely fitting to look at a broad range of normative criteria in deciding how to assign responsibility. This group of theories looks to a person's choices and preferences but also his behaviour and the impact that imposing responsibility might have on his life in order to determine whether imposing responsibility can be justified to each person. On this view, only once we have borne in mind a number of criteria and established whether they are good enough, on balance, to justify proposed assignments to those affected by it, can we say when and how far it is just to hold individuals responsible for their own misfortunes. The theory of consequential responsibility that I want to try to defend in this chapter is inclusive.

There are various possible ways to construct an inclusive theory, depending on the reasons that one believes should be included, but it seems to me that common intuitions about examples support the following types of reason.

- I. The distinction between choice and luck.
- II. Whether or not an agent identifies with his tastes and preferences.
- III. Special responsibilities.
- IV. Desert.
- V. Concerns about free-riding.
- VI. Sufficiency.
- VII. Maximin.
- VIII. Simple equality.
- IX. Utilitarian reasons.
- X. Prioritarian reasons.

I intend to expand on each of these types of criteria of responsibility in the next section, but from now on I will simply refer to the theory that I want to try to defend as ‘the inclusive theory’. No doubt there are other types of criteria that could be incorporated into a theory of responsibility if the theory was not limited to justice as the subject matter. But in this chapter I want to focus exclusively on reasons of justice. I shall reserve discussion of other factors (moral and practical) for chapters 6 and 7.

It is perhaps worth noting at this juncture, then, that many of the criteria of responsibility on the above list represent familiar principles within the literature on distributive justice. A principle of distributive justice can be deployed as a criterion of responsibility because it specifies which disadvantages are just or unjust, and on the basis of the judgement we can say whether or not agents may be ‘held responsible’ for their

disadvantages. At this stage some might question whether or not the inclusive theory is a theory of responsibility at all rather than a theory of distributive justice *tout court*. The challenge is that by appealing to the above principles I am unwittingly engaged in investigation creep. I shall say more in response to this challenge at the end of the chapter, but for now let me simply point out that introducing the principles is a feature of a broad approach to consequential responsibility and need not be viewed with suspicion. It is also worth making clear that the principles of distributive justice are brought in order to help define what a just division of consequential responsibility would be. There is no suggestion – not from me at any rate – that the resulting theory of responsibility can then be used to support the very same principles of distributive justice.

I also want to stress that the inclusive theory is developed with the ambition that its judgements of responsibility can be used to provide normative evaluation of social welfare institutions and practices and to offer a guide to reform where necessary. Consequently, I fully acknowledge the problem raised by Samuel Scheffler – in the context of his attempt to critique of choice-based theories of responsibility – that it can be difficult to hold a justificatory ambition for a theory of responsibility but at the same time to flesh the theory out in terms of criteria that have broad appeal to different types of people and diverse political standpoints (see Scheffler 2005: 8-9). However, I shall try to demonstrate that the inclusive theory stands a much better chance than its rival of achieving this broad appeal precisely because of the broad range of criteria it incorporates as well as the notion of interpersonal justification that it appeals to.

It should be fairly obvious by now, then, that the inclusive theory rests on the type of broad conception of reasonableness which, during my earlier discussion of Arneson's theory, I suggested could be promising. Let me define a 'broad' conception of reasonableness as one that incorporates a range of different types of normative and formal reasons, and one can see that the inclusive theory has a broad conception of reasonableness. The inclusive theory also incorporates the notion of interpersonal justification where this is understood to mean that any proposed division of responsibility must be justified to each of those affected by it on the basis of the different types of reason. And this brings the theory closer to the goal of reasonableness viewed as a measure of broad appeal between different types of people and diverse political standpoints.

How, more precisely, do we determine what can or cannot be justified in this way? There are different possible answers to this question but some would argue that it has much to do with whether or not proposed divisions of responsibility can serve as bases for actual agreement between majorities of the public. Nicholas Rescher, for example, favours what he calls a 'democratic conception of the issue'.

In what respects and to what extent is *society*, working through the instrumentality of the state, responsible for the welfare of its members? What demands for the promotion of his welfare can an individual reasonably make upon his society? These are questions to which no answer can be given in terms of some a priori approach with reference to universal ultimates. Whatever

answer can appropriately be given will depend, in the final analysis, *on what the society decides it should be*. The questions carry us back straightaway to first principles of government. On any democratic conception of the issue, the propriety of governmental activity must be determined in accordance with “the consent of the governed” and must thus result from an explicit decision of the body politic. The purposes whose realization is pursued by any truly democratic government must ultimately be derived from a nation’s public mandate. (Rescher 1972: 114)

Rescher freely accepts that there are some further questions to be answered about this democratic conception – such as whether consent must flow from an explicit decision of the body politic, whether the decision should be unanimous or majority based, or whether it is sufficient that the will of the people is expressed through the decisions of elected representatives. Even so, he believes the basic tenet of the democratic approach is fundamentally the right one for questions about the just division of social responsibility: that it is a matter for each society to decide which personal disadvantages raise a case for remedy or mitigation by society at large.

Its reliance upon the will of the people is arguably the great strength of the democratic approach but it is also its potential weakness. The majority in some countries could support an extensive welfare state such that responsibility for remedying personal disadvantage is placed almost entirely in the hands of the welfare state. Because in this scenario the majority have agreed to collective responsibility it cannot be said (at least by

the majority) that the division is unfair or exploitative. Regardless of what the majority has decided, however, it could be disadvantageous for vast numbers of individuals to rely on others to look after them. This might not in fact be in the public interest. The majority in other countries, on the other hand, could vote in favour of an ultraminimal welfare state. Here individuals are left to fend for themselves in all but the most extreme cases of deprivation. This too could have unpalatable consequences. It could ignore special duties of care that society has towards some of its members who find themselves in difficulty.

Now, there may be further checks and balances available to a democratic regime to curb possible excesses of majority decision-making. The constitution, for example, might contain guidelines preventing either too much expansion or erosion of the welfare state. Even so, if there is enough political will, amendments can be made to the constitution and existing constitutional guidelines can be reinterpreted to serve new goals. Consequently, there may be no fail-safe way to constrain the decisions of the majority and, therefore, no guarantee that the majority will strike a fair balance between individual and collective responsibility. Even Rescher accepts that the division of social responsibility is not entirely a matter of democratic decision making, but must also include some degree of normative justification. Rescher believes there are 'reasonable limits to the extent of state responsibility for the public welfare', including the protection of legitimate rights of individuals (Rescher 1972: 117-119).

An important question, then, is precisely this: what further justification could be offered for any proposed division of responsibility aside from the fact that the electorate has decided in its favour? One of the most important traditions, if not the most important tradition in contractualist thinking, takes as its starting point the Kantian idea that the ultimate test for any principle is respect for persons, which in turn requires that principles of justice be such that they can be justified to each person. But how do we know if principles can be justified to each person?

One approach developed through the work of Rawls and Dworkin is to use a hypothetical (as opposed to actual) situation to determine what is mutually justifiable. On a hypothetical conception of the issue, we ask not what citizens in democratic societies do decide (or ought to decide), but what citizens would all agree to if, contrary to fact, circumstances were more free and equal. The merits of this proposal, at least on the surface, are: firstly, that it enables us to abstract from inequalities of personal experience and situation that we do not believe should affect decisions about social welfare, and secondly, that it gives everybody an equal say in how society is to be arranged – a say that some citizens might lack if they have unequal power and influence over political decision-making in the real world.

How does this construction work? Rawls' version places the citizens of a well-ordered liberal democracy behind a metaphorical veil of ignorance. These citizens (or their representatives) are asked to select principles of justice to regulate the basic institutions of their society. Whereas in real democratic societies people tend to use the

electoral process to pursue a narrow range of interests, the veil of ignorance forces people to select principles of justice (including a division of consequential responsibility) that are adequate for them whatever talents, circumstances, and conception of the good they might have once the veil is lifted. Rawls' method for finding a division of consequential responsibility that is acceptable to all citizens, then, is to abstract from differences that might otherwise imply disagreement. This, however, lays Rawls open to a number of charges among which are that the agreement made behind the veil of ignorance is no agreement at all because everybody is the same, and that, in any event, there is no guarantee that the contents of the 'agreement' reached by parties to the veil of ignorance are just.

Of course, a Rawlsian will respond to these charges by pointing out that the original position is not supposed to be a definition *ab initio* of conditions from which a fair outcome will follow. Rather, its conditions are intended to represent relatively uncontroversial beliefs about fair terms of contracting, which terms the vast majority of people in liberal democracy would be willing to accept (see Rawls 1971: 18). To be more specific, for Rawls, people outside of the veil of ignorance are not just 'rational' in the sense that they have their own interests at heart but also 'reasonable' in the sense that they are willing to propose and consider the proposals of others' fair terms of cooperation for citizens of a well-ordered democratic society. Thus, whereas the conditions of the veil of ignorance are supposed to reflect what people believe are reasonable ways of seeking principles of justice, the motivations of agents behind the veil of ignorance (to wit, rational self-interest) reflect the rationality of people outside (see Rawls 1996: 48-54;

2001: 6-7). For Rawls, then, both the veil of ignorance and the implications we draw from it are non-trivial and have a footing in justice.

However, the objector can persist that Rawls has lighted upon the wrong terms. As previously discussed in chapter 4, we can, for example, ask the following question: why is it fair that a person should be made ignorant of his personal ends when selecting rules for the regulation of social welfare? What conviction about fairness is this bit of ignorance supposed to reflect? This particular rhetorical question may or may not represent a devastating objection to the veil of ignorance, but it does I think help to motivate scepticism about the gross level of ignorance stipulated by Rawls into the original position and whether this can furnish a genuine opportunity for discussion and agreement between different sorts of people as per the real world.

Dworkin arguably is on slightly firmer ground with his hypothetical insurance markets. We are asked to imagine ourselves as a group of free, self-interested agents that have been given the opportunity to purchase insurance against a variety of misfortunes. For Dworkin, the main purpose of this thought experiment is to abstract from brute luck in the real world which affects both the types of handicaps people suffer and the resources they have to buy insurance. Hence, we are asked to imagine that everybody faces the same antecedent chance of suffering a range of misfortunes and everybody has the same means with which to purchase insurance against different outcomes. Unlike Rawls' formulation, the insurance market does 'allow people enough self-knowledge, as individuals, to keep relatively intact their sense of their own personality, and especially

their theory of what is valuable in life' (Dworkin 2000: 118). Dworkin's reading of the hypothetical situation, then, leaves room for *bona fide* agreement (or disagreement) among the parties. For Dworkin, welfare policy in the real world should be modelled on the level and type of insurance that would be popular in the hypothetical insurance situation (see Dworkin 1981b: 315). But the important point is that in principle each person in the hypothetical situation is asked to consider which trade-off between coverage and opportunity cost he believes is best for him given his particular preferences and what he wants out of life.

However, there is a nagging suspicion that neither Rawls' veil of ignorance nor Dworkin's hypothetical insurance markets adequately capture the ethos of mutual justifiability. The problem does not appear to be solely with the conditions of ignorance built into these situations but in the specified motives of the parties. For Rawls and Dworkin, the parties are motivated by a desire to advance their own interests. So any 'agreement' they reach reflects a coming together of self-interests. The nagging doubt is whether parties motivated in this limited way will develop truly reasonable divisions of consequential responsibility even under conditions of partial equality. Surely reasonableness in the fullest sense implies not just that parties are willing to propose and consider different divisions of responsibility on the basis of their own self-interest, but also that they are committed to finding divisions of responsibility which can be publicly justified to each person taking into account various different points of view and a broad range of reasons.

It might be enlightening at this stage to consider the moral theory of T. M. Scanlon – a theory which I believe makes better (that is, more plausible) use of the idea of reasonableness. In his article, “Contractualism and Utilitarianism” and subsequent book, *What We Owe to Each Other*, Scanlon argues that thinking about right and wrong is, in essence, about trying to find principles and systems of rules ‘which no one could reasonably reject’. On this view, the fundamental question of right and wrong is whether any proposed set of rules can serve as a basis of mutual justification, where everybody has an equal say in the matter, is fully informed of the proposals, is not forced to agree, and is motivated to find rules and principles that others could not reasonably reject (Scanlon 1982: 110; 1998: 153). Scanlon uses the term ‘reasonable’ here in part to highlight the fact that in most situations there will be reasons in play on both sides, and so what agents may reject is a matter of how the reasons compare in strength. As he puts it:

According to contractualism, in order to decide whether it would be wrong to do X in circumstances C, we should consider possible principles governing how one may act in such situations, and ask whether any principle that permitted one to do X in those circumstances could, for that reason, reasonably be rejected. In order to decide whether this is so, we need first to form an idea of the burdens that would be imposed on some people in such a situation if others were permitted to do X. Call these the objections to permission. We then need, in order to decide whether these objections provide grounds for reasonably rejecting the proposed principle, to consider the ways in which others would be burdened by a principle forbidding one to do X in these circumstances. Suppose that, compared to the

objections to permission, the objections to prohibition are not significant, and that it is therefore reasonable to reject any principle that would permit one to do X in the circumstances in question. This means that this action is wrong, according to the contractualist formula. (Scanlon 1998: 195)

Scanlon is primarily concerned with a system of rules and principles for the regulation of ethics and right and wrong acts, but I do think his conception of reasonableness is well suited to the present discussion about a just division of consequential responsibility. The main thing that I want to take from Scanlon is the thought that a just division of consequential responsibility is one that can serve as a basis for mutual (or what we might call 'interpersonal') justification where this is understood to mean that the parties involved (those who are affected by the policies) are motivated not only to accept whatever is most likely to advance their own interests but also to find rules and principles that others can accept or at least can be publicly justified to others on the balance of the reasons in play.

Anderson adopts a similar position. She claims that any proposed division of responsibility should satisfy what she calls 'the principle of interpersonal justification: any consideration offered as a reason for a policy must serve to justify that policy when uttered by anyone else who participates in the economy as a worker or consumer' (Anderson 1999: 322). I think this is a plausible way of interpreting the demands of justice because it requires reasons to be formulated at a relatively high level of generality. If a person wishes to offer a reason that serves to justify collective responsibility for his

medical treatment, for example, the reason must be general enough that anyone could accept and utter that reason publicly.

I hope we have, then, in all of this, the beginnings of a plausible approach to consequential responsibility. To make good this promising start, however, we must provide further convincing answers to the following three questions. Firstly, what reasons are relevant to the justification of proposed divisions of consequential responsibility from the perspective of what is just and unjust? Secondly, how do we balance these reasons – that is to say, how do we know when a proposed division of responsibility is reasonable when it is supported by some reasons and not by others? And finally, what, if any, is the proper function of interpersonal justification in all this – is the process of giving reasons for and against proposed divisions of responsibility supposed to supersede democratic decision-making or merely to provide normative constraints upon it? I shall try to answer each of these questions in turn as the chapter proceeds.

To begin with the first question, we want to know which types of reasons are relevant to deciding what is a reasonable (and in that sense just) assignment of consequential responsibility. As discussed at length in previous chapters, some egalitarians believe that reasons for and against responsibility-attribution should be developed on the basis of the distinction between choice and luck, and whether or not an agent identifies with his tastes and preferences. Whilst I think that choice and identification theorists have sometimes been guilty of failing to apply these criteria consistently, I do not disagree that these reasons deserve to be placed on the scales of justice. However, in this chapter I shall try

to motivate the claim that other reasons have an equally important role to play in just assignments of consequential responsibility. The basic thought behind the inclusive theory is that if the fundamental aim is to find a division of consequential responsibility that can be justified to each person affected by it, then there is no logical reason why the only (or the most important) factors must be the choice/luck distinction and preference identification; at least, no reason that I can think of.

However, I should also make it clear at this early stage that no list of reasons can be presupposed. The question we must bear in mind is this: why should other people take seriously the reasons we put forward for or against a proposed assignment of consequential responsibility? Taking this question seriously implies that we must try wherever possible to develop arguments good enough, if not to convince others entirely, at least to make them concede that the reason is a serious one and merits attention. Reasonableness in this sense means that we cannot just assume a list of reasons but must do our best to try to explain to others why we take the reasons seriously and persuade them to do the same. I freely admit, therefore, that some or all of the items on the above list will be controversial to some. Accordingly, in what follows I shall try to defend my own choice of candidates using as many illustrations and arguments as possible. I intend to demonstrate that the inclusive theory incorporates reasons that are not only prominent in the philosophical literature on distributive justice but also fitting additions to a theory of consequential responsibility.

That being said, in some cases it may be difficult to say exactly why a reason deserves consideration: if the reason has importance, then it is of the fundamental sort that cannot be further analysed or defended. Sometimes we have only our deeply held convictions about what justice demands. Of course, even at this point we can still refuse to accept the reasoning offered by others if it is based on obviously erroneous empirical premises or is clearly muddled. But where this is not the case, it may be a mistake to think that we can argue decisively against those who take a different view. It seems to me that it is against the background of this pluralism of conceptions of justice that reasonableness comes to the fore. It can scarcely be denied that agents give precedence to different demands justice. But agents can agree, not unreasonably, to respect each others' convictions about what reasons are in play. Provided others are willing to take into account the fundamental convictions about consequential responsibility that I put forward, I can act reasonably by considering what other people sincerely believe about consequential responsibility, perhaps even accepting that government must give some weight to those beliefs in particular policies.

5.2 REASONS

Turning now to the reasons themselves, the inclusive theory offers a mixed conception of responsibility incorporating different types of reasons or criteria. The two main criteria discussed up until this point fall into a wider group of reasons which require us to assign responsibility independently of considering the impact on people's lives. These two

criteria only mention underlying facts about the agent as opposed to worrying about the moral significance of the behaviour in question or even what will happen to the individual if responsibility is imposed.

I. The distinction between choice and luck

This first reason trades on the distinction between what does and what does not lie within a person's voluntary control. As we have already seen in chapter 3, it implies that if a painter and decorator starts working as an artist, or the son of a successful family butchers voluntarily decides to open a risky internet café, or a long distance lorry driver elects to take six months off work to walk the Sahara, or an office cleaner chooses to give up her job and become a part-time yoga teacher, it is not unjust if he or she has less residual income as a consequence. The claim here is that fairness requires that those who choose less productive occupations measured by what others want have less residual income in consequence. This reason is no way dependent on this being a beneficial consequence for the agent.

II. Whether or not an agent identifies with his tastes and preferences

This second reason lights on a person's second-order preference-endorsing or preference-repudiating attitudes. It implies that if someone has or develops an expensive

taste with which he identifies, it is only fitting that he end up with less taste satisfaction in consequence. On this view, it is wrong to expect those with inexpensive tastes to subsidise those who wish to live more lavishly, irrespective of any loss of real freedom of consumption or welfare suffered by those with expensive tastes as a consequence.

Whilst I think that each of the above reasons has a role to play, they scarcely exhaust the list of concerns about we might have about consequential responsibility. Consider again the seven types of interests outlined above. Suppose we believe that the primary aim of dividing consequential responsibility in any given case is to achieve a just distribution of these benefits and burdens. This raises the following question: what should we do in respect of resources and labour, freedoms and restrictions, securities and dangers, opportunities and obstacles, self-respect and shame, and welfare? Naturally for any distribution of benefits and burdens in times of relative scarcity there are different candidate views as to how things should get distributed as a matter of justice. And I accept that in some cases the distribution of these benefits and burdens should be choice-sensitive, and that in some cases the distribution should be sensitive to people's second-order identifications. However, I intend to argue that these two criteria represent only the tip of the iceberg and that common intuitions support the following additional criteria as deserving serious consideration.

III. Special responsibilities

The first group of reasons that I want to explore have to do with responsibilities that might apply to individuals or a society because an agent or a society has made some sort of commitment or undertaking or raised some type of an expectation in others or is charged with the task of righting a wrong committed by an agent or group of agents, and these factors can affect how consequential responsibility may be divided. These responsibilities can be acquired in different ways depending on the actions of the agent or society, and they can also be inherited from past generations. Let us begin with some illustrations of special responsibilities that agents can have for their own fate.

An agent can enter into a voluntary agreement with a government agency to take certain steps to search for work as a condition of receiving unemployment benefits. This means that government would have the right (if it did not have the right before) to withdraw benefits and leave the individual to bear the consequences of his actions. In this case the 'special responsibility' is easy to identify because there has been an assignable act on the part of the agent. However, some people might argue that agents can also acquire special responsibilities by 'tacit' consent. For example, some people might argue that citizens acquire at least some special responsibilities for the success or failure of their own lives merely by remaining resident in the political society.

The philosophy of tacit consent has been ably discussed elsewhere in the literature, so I do not intend to explore the issue in any great detail here (see, for example, Simmons

1979: ch. 4). However, it is worth noting that even if we accept that agents can acquire special responsibilities through tacit consent, the normative questions do not end there. The expectations on individuals from government must be justified. Fortunately, in a democratic society, it is open to public decision whether, and to what extent, individuals are held responsible for what happens to them. For example, the citizenry can, and often does, decide through the ballot box if certain individuals should have the choice not to work and live off the public expense. If one is to acquire special responsibilities simply by living in a political society, then presumably it is better to have at least some say in deciding what those responsibilities will be rather than having none at all.

However, much also depends on whether one finds oneself in the majority, and this raises the following question: are there any limits to the special responsibilities that individuals may justly acquire merely by living in political societies? This is an important question to which I shall return below, but to anticipate my position, I intend to argue that whilst a reasonable division of consequential responsibility is one that takes account of the democratic decisions of each society, other criteria of responsibility rightly impose constraints on the kinds of responsibilities that may reasonably be assigned to individuals in this way.

It should also be pointed out at this stage that special responsibilities are not the preserve of individual citizens. Society can, and often does have, special responsibilities towards individuals, and we can say that sometimes discharging a special duty towards an

individual citizen implies not imposing individual responsibility for his disadvantages.

Let us consider some illustrations.

Among the more compelling types of reason a government has *not* to hold an agent responsible for his own disadvantages, is if he has been the victim of an injustice, inflicted by others, that caused those disadvantages. The types of excusing conditions relevant to these cases are as diverse as the bewildering array of injustices that man can inflict on fellow man. Consider the race issue in the United States. There are many dimensions to the race issue, but one often discussed dimension is the legacy of slavery. High levels of unemployment and poverty among African-Americans can be cited as one example of this legacy, not least because these problems appear to be intergenerational. On the face of it, then, the duty to help the victims of past injustice implies that African-Americans must not be held responsible for high levels of unemployment and poverty among their number because of the historical injustice of slavery that caused this situation. Of course, some claim there is no causal link between the injustice of slavery and the current disadvantages borne by many African-Americans. The fact that not all African-Americans are poor and unemployed can be offered in support of this claim. Indeed, some argue that it is a form of condescension by liberal policy makers to say that we should not hold African-Americans responsible if they have too much pride to sweep floors (see Murray 1984: 222). But this is not the only view. Another interpretation of the situation is that if African-Americans face unequal chances, then it must be due (at least in part) to historical injustice because there can be no other reasonable explanation. This debate is important, but from the perspective of justice we can say precisely this: to

the extent that slavery has been a part of the cause of the difficulties faced by African-Americans, then justice demands that these individuals should not have to bear these difficulties alone, some of the cost of remedy or mitigation must be borne by society as a collective body.

Another example of how past injustices might inform current assignments of consequential responsibility is if a group of agents find themselves living in a hazardous geographical location because of the theft of their ancestral land. Consider those Native-Americans living on reservations in the United States, whose exposure to risk from natural disasters (such as forest fire) is higher than the national average (see Manson et al 2005). It might be most appropriate, in order to rectify the injustice, to institute land reforms so that these groups no longer have to live in these areas. But suppose this is not possible. Some would argue that it is a basic requirement of social justice that government offers federal disaster relief to these people, or else pools the costs of commercial insurance. Naturally, more could be said here in terms of assigning the costs of federal disaster relief and/or commercial insurance more heavily to those that have benefited directly from the past injustice, but in the absence of precise historical information about who has done what to whom and when and which people have benefited and how, it might fitting to institute collective responsibility.

The choice theorist might reply at this stage that his theory already caters for the disadvantages that attend the legacy of slavery and land-theft under the heading 'bad brute luck', so there is no need for this additional category of excusing conditions. But I

think that it is more than a little misleading to lump together, on the one hand, the disadvantages that attend the injustices of slavery and land-theft and, on the other hand, the disadvantages that accompany the bad luck of disability (say). Whereas the second type of disadvantage results from 'acts of god', the first type has to do with the crimes of mankind. In reply to this, some might insist that there is no real difference between the two types of disadvantage because disability, for example, is only a 'disadvantage' in so far as society allows it to be such. Luck egalitarians, for example, claim government action on behalf of certain groups in the name of justice because it is unjust for society not to mitigate the affects of bad luck. This is not a crazy position, but it is controversial and a relatively new arrival on the political agenda. Historically it has been more contentious to claim as one of the demands of justice that government must help the victims of bad luck than it has been to claim that government must help the victims of human wrongdoing such as slavery and theft of land.

Another type of special responsibility worth noting is what we might call 'the duty to pool the costs of commissioned risks'. This reason for waiving individual responsibility appeals to the thought that it is unjust to force individuals to bear the consequences of their risky activities and occupations if society has 'commissioned' them to take these risks on its behalf. For example, Anderson points out that some people live in dangerous geographical areas in order to produce goods that consumers have commissioned them to produce. She asserts that where this is the case society has a special duty to share in the costs of those risks and that government should offer federal disaster relief (see Anderson 1999a: 323).

I think that this is an interesting line of argument which deserves further consideration, but I want to put on record at this stage my scepticism about Anderson's particular application of it. One could reply that consumers do no such thing as 'commission' producers in hazardous geographical locations to take risks on their behalf. Instead they simply have a disposition to buy the products if the quality and price is right. I shall say more about Anderson's argument and possible replies to it below, but for now let us assume for the sake of argument this reason can be forceful in at least some cases.

Yet another type of special responsibility is 'the responsibility to meet people's reasonable expectations of work'. If a person is engaged in a particular type of occupation for a long period of time or undertakes a course of study in a particular field, then he could develop reasonable expectations about future employment in these areas. Once the redundancy or graduation has taken place, then he expects to find employment within a period of time. It could be argued that if individuals develop this type of reasonable expectation of work, then the State has a responsibility to try to ensure that those expectations are met. In some cases this could mean that the State should waive the consequential responsibility of agents who choose to wait for 'suitable' employment. The State may or may not be able to force companies to give jobs to these people but they can at least give people the real freedom of being able to wait for a period of time for suitable employment by giving them income payments. Again, I do not deny that there might be objections to this kind of reasoning – to be looked at below. Even so, there is at least a *prima facie* case to be answered here; or so I think.

IV. Desert

Among the various criteria that I believe should be incorporated into our judgements of consequential responsibility, the criterion that has perhaps the most obvious connection with common attitudes about justice is desert. Most people think that desert is an important feature of justice and it is potentially only a short step from here to the further claim that persons with merit do not deserve to be held fully responsible for the consequences of their imprudent actions. This, of course, raises two further questions. What is merit? And how can a person be said to have merit for doing something imprudent? But there are standard answers to these questions.

Consider the case of Mother Teresa of Calcutta, unselfishly devoting her life to the hungry and the sick. What is most interesting about Mother Teresa in the context of the present discussion of consequential responsibility is that she has merit despite the fact that she acts imprudently in the sense that she risks her own health and safety to help others. Perhaps there are self-evident reasons why the State should support her work. We might suppose that the people she helps have been the victims of past injustices. In this way Mother Teresa's work is an instrument of rectification. However, let us focus on Mother Teresa herself. The choice theory of consequential responsibility seems to imply that she should be held responsible for the consequences of her choice to work with these children, not least in terms of her own entitlement to medical treatment if she becomes sick. Yet, as Arneson notes, in this case it might be more fitting to ignore impositions of responsibility implied by her voluntary choice in order to recognise her 'virtuous

imprudence' (see Arneson 1999a: 238-241; 2001: 87-89). I suspect that most people would say that Mother Teresa has merit. And presumably her merit has to do with her unselfish devotion to others as well as her hard work and dedication in pursuing this good cause.

Perhaps some would argue that it is counter-intuitive to say that Mother Teresa deserves help because of her virtue. Surely it is an important part of what makes her virtuous the fact that she is self-reliant and willing to assume responsibility for the consequences of her actions? I accept the force of this question but I do not think that all forms of merit are bound up so closely with self-reliance and individual responsibility as to render inappropriate any or all collective responsibility for remedying personal disadvantages. It seems to me that there is room, in at least some cases, for saying that a person deserves help from others because of the merit of his or her actions, and that this help would not undermine what makes the actions deserving. Consider, for example, George Sher's case of the man who breaks his leg whilst rescuing a child from the path of a speeding truck (Sher 1987: 46).

To raise desert, then, in the context of interpersonal justification, as a reason to hold (or not hold) a person responsible for the consequences of his 'imprudent' behaviour is to ask other people to consider whether it is right for persons with merit to bear the consequences of imprudent actions. This in turn relies on others accepting the general principle that consequential responsibility should be made proportional to the degree of desert persons have in their lives. I do not say that this is the only important principle,

but I suspect that most people would react favourably when presented with such an argument, especially in cases like that of the man who breaks his leg whilst rescuing a child from the path of a speeding truck. It scarcely needs pointing out also that there are conflicting beliefs about what sort of conduct is deserving and, furthermore, differences of opinion about which consequences that conduct is or is not deserving of. I do not disregard these disagreements or seek to play them down. However, I would simply say that there is nothing in the concept of consequential responsibility itself which entails that its realisation can, or must, be conducted without disagreement. I shall return to this point at the end of the chapter.

V. Concerns about free-riding

Another criterion that I suspect is thought by most people to govern the just distribution of benefits and burdens within society is that persons should not be allowed to free-ride on the efforts of others. According to this criterion, an assignment of consequential responsibility is unjust if it allows some people to reap benefits without either sharing in or remunerating the cost of their production.

There are many examples of free-riding that could be highlighted, but the example of those who are idle or have expensive tastes being allowed to live off the income of hardworking and frugal taxpayers is well represented in both the political and the philosophical literature. Luck egalitarians, for example, regard the insistence on simple

equality irrespective of people's voluntary choices as an exploitative distribution of benefits and burdens that we should condemn (see Cohen 1989: 911).

However, critics of luck egalitarians claim that insisting on the choice/luck distinction permits other forms of free-riding that should also be viewed as objectionable from an egalitarian point of view. Consider those many thousands of low-paid or non-wage-earning carers, activists, and youth workers who struggle to perform their work and make both ends meet in a world where the market does not remunerate their efforts and society as a whole is reluctant to recognise the benefits it receives from them. According to Anderson, the fact that such individuals make a significant contribution to society (that in a perfectly just world would not go unrecognised) is a good enough reason to collectivise responsibility for their income (see Anderson 1999: 324).

The criterion of desert, then, could potentially have a large role to play in deciding who should be held responsible for remedying of mitigating disadvantages. However, as with the criterion of desert, I do not ignore the possibility that there is disagreement about what type of conduct constitutes free-riding. Brian Barry points out that the full-time housewife could be seen as a free-rider on some conceptions of what free-riding is (Barry 1996: 245). Consider a conception that defines 'work' as *paid employment* and 'contribution' as *paying one's own way*. Even so, any such argument about what constitutes free-riding must be seen in the context of the public justification of criteria of responsibility. And it seems extremely unlikely that the criteria "let us spend every day

looking after children, cooking meals, and maintaining the home and not be adequately compensated for our efforts” can sustain interpersonal justification.

So far I have focused on criteria for assigning consequential responsibility that highlight the genesis of a person’s disadvantage as well as facts about his behaviour and contribution to society. Let us now consider some reasons that emphasise the impact on people’s lives of proposed assignments of responsibility. What is the difference between these two kinds of reasons? The criteria for assigning consequential responsibility examined so far have been ‘historical’ principles of justice in the sense that they focus on who ends up in what situations and for what reasons. Consider the principle of responsibility according to choice. Here the reason for assigning responsibility is the genesis of a person’s situation from the perspective of what does and does not lie within his voluntary control. The choice criterion can be further distinguished from another subtype of historical principles of responsibility. Consider the principle of responsibility according to desert. This is a ‘patterned’ (or ‘proportionality’) principle of responsibility. Such principles say ‘responsibility according to his X’ where ‘X’ picks out some relevant dimension along the lines of which responsibility is supposed to vary (see, for example, Arneson 2001: 86-87). However, certainly not excluded from the list of candidate principles of responsibility are those that define what a just division of responsibility would be on the basis of comparisons between ‘end-results’, and it is these kinds of criteria that I want to focus on now. (For more on the distinction between ‘historical’, ‘patterned’ and ‘end-state’ principles of justice, see Nozick 1974: 153-160.)

VI. Sufficiency

First on the list of important types of end-state criteria is sufficiency. A sufficiency criterion is one that rests on the principle that some disadvantages are so bad that, as we proceed from slight to middling to severe disadvantages, differences in degree of burden turn into differences in moral quality such that we have a *prima facie* obligation to eliminate the disadvantage. What is distinctive about sufficiency criteria is that whereas the choice criterion entails that agents may be held responsible for the consequences of their choices no matter how onerous the consequences might be, sufficiency criteria entail that there are some outcomes so bad that they should not be borne by any agent. Having said that, it is consistent with sufficiency criteria that once we get to the point where everybody has sufficient X, it is an open question how the relevant advantages get distributed by a proposed assignment of responsibility.

To put forward a sufficiency criterion as a reason in favour of a proposed division of responsibility is to ask other people to take seriously the importance of making sure that everyone has enough. It is, of course, no mere formality to describe adequately what it means for a person to have sufficient or to be doing sufficiently well, but there are credible answers in the literature. Consider, for example, the theory defended by Anderson, 'democratic equality'. Influenced by the work of Amartya Sen, Anderson employs the metric of a person's real freedom, or 'capability', to achieve valued functionings, that is, valued states of doing and being (see Sen 1981). Which capabilities matter? On her version of the sufficiency view, people are entitled to: (1) whatever

capabilities are necessary to enable them to evade oppressive social relationships and (2) whatever capabilities are necessary for functioning as human beings, as participants in a system of cooperative production, and as citizens of a democratic state (see Anderson 1999: 316-7). This is a sufficiency criterion because it concentrates on people having *enough* real freedom to achieve valued functionings. The point is that 'democratic equality guarantees not effective access to equal levels of functioning but effective access to levels of functioning sufficient to stand as an equal in society' (Anderson 1999: 318).

VII. Maximin

Another type of end-state criteria worth exploring is maximin. Those who defend this type of criteria argue that we ought to adopt whichever assignments of responsibility are to the greatest benefit of the least advantaged. To put forward maximin as a reason in favour of a proposed division of responsibility is, on the one hand, to appeal to the rational self-interest of the least advantaged to allow inequalities only on terms that are to their own greatest advantage, and, on the other hand, to appeal to the sense of social justice of the advantaged, namely, that they should be willing to gain advantages whilst living within political communities only on terms that benefit the least advantaged.

The substantive question is how we define 'the least advantaged'. Rawls is perhaps the best-known advocate of maximin. On his version, the criterion only applies to 'primary goods', that is, to rights, liberties, opportunities, income, wealth, and the social

bases of self-respect (Rawls 1971: 62). On the one hand, citizens as a collective body are to accept responsibility for arranging inequalities in the distribution of primary goods so that they to the greatest benefit of the least advantaged. Citizens as individuals, on the other hand, are to accept responsibility for their own happiness and preference satisfaction (see, for example, Rawls 1996: 189). Whilst I agree with Rawls that maximin is a plausible criterion – not least because it might support a person's self-respect to live in a society where the advantage undertake to gain advantages for themselves only on terms that benefit the least advantaged (see Rawls 1971: 178-80) – I do not share his further conviction that the criterion of maximin must be limited to a person's share of primary goods. We need to focus on the distinction between types of criteria and types of interest.

Whatever number of types of disadvantage there may be, it seems to me that maximin potentially applies to each such that we should maximise the position of the least advantaged broadly construed (cf. Cohen 1989: 914-5). In saying this, I do not deny that there are objections to welfare as a suitable measure of personal disadvantage. Even so, as discussed in the previous section, I disagree with Rawls that these objections are decisive. And so I do not discount the criterion of maximin welfare. In the context of the present discussion, therefore, the term 'the least advantaged' is to be understood in terms of the seven types of interest outlined above.

For example, some defenders of maximin define 'the least advantaged' in terms of real freedom. Van Parijs, for example, argues for a criterion of lexicographic maximin

real freedom combined with a well enforced system of private property rights including self-ownership. On this view, society has a collective responsibility to arrange the distribution of income, subject to securing people's private property rights and self-ownership under the rule of law, so that the person with the least real freedom has real freedom that is no smaller than is enjoyed by the person with least freedom under any other feasible arrangement, and in the event that more than one arrangement satisfies this condition, the person who is second-to-least free should be no less free than the person who is second-to-least free under any other feasible arrangement, and so on (see, for example, Van Parijs 1995: 25). It seems to me that this version of maximin deserves no less attention than that offered by Rawls.

As a final point, it is worth underlining that criteria of maximin have the potential to be more demanding than criteria of sufficiency by virtue of the fact that the requirement to maximise the position of the least advantaged applies even if the least advantaged are above what some regard as a level of sufficiency. More demanding still, however, are criteria of simple equality, and this is what I want to examine now.

VIII. Simple equality

Of all the end-state principles of justice raised in political disputes about the distribution of benefits and burdens in society, perhaps the most familiar is simple equality. As a criterion of responsibility it says precisely this: that it is an unjust state of

affairs if as a result of the division of responsibility benefits and burdens get distributed unequally. To accept this criterion is to accept the idea that we should adopt assignments of responsibility that bring us closer to equality and not those that lead us away from equality. Let us consider one frequently cited example.

It is true that forcing those who are rich to give money to those who are poor can meet with opposition from opponents across the political spectrum, but some have tried to justify this type of policy on the grounds that each person has a right to an equal share of the earth's natural resources simply by virtue of being an equal citizen. It is a further substantive question how and when that share is given to each person. In his "Agrarian Justice", Thomas Paine proposed both a lump-sum payment at the age of twenty-one and an income for life starting at the age of fifty (Paine 1987: 477-478). Hillel Steiner suggests basic income or a lump-sum payment (Steiner 1998: 99-100n.12). But whichever form of payment one defends, the right to an equal share of the earth's resources is untouched if a person decides not to earn a living or contribute to society in some obvious way. In this sense the present argument about the right division of social responsibility is an argument from simple equality.

Let us pause to reflect on the criteria of responsibility that I have introduced. It should be fairly obvious to the reader that taking account of additional criteria of responsibility such as desert, sufficiency, maximin, or simple equality has the consequence of greatly multiplying the number of possible reasons that can be put forward in favour of or against a proposed division of responsibility. This is because any

or all of these criteria can be allied to any or all of the various currencies outlined in chapter 2, namely, resources and labour, freedoms and restrictions, levels of achieved functioning, securities and dangers, opportunities and obstacles, self-respect and shame, public interests and public menaces, and levels of welfare. The inclusive theory of consequential responsibility, then, embodies a splintering of reasons in favour of and against holding agents responsible for their own situations, and this is unparalleled by formal theories.

Reflecting on all of these possibilities, however, invites the following obvious question: why should we take seriously any of these reasons? Whilst there are some noteworthy arguments in favour of the above criteria, there are few knock-down arguments. Those who seek to defend a particular criterion of responsibility can quickly reach a point where they can offer no further evidence or argument than to say that they have a fundamental impulse the criterion is important. Some people might ask: why simple equality? Others might ask the same question about sufficiency or maximin. For that matter, we could ask: why is free-riding so bad? However, one mollifying thing we can say to defenders of these criteria is that it can be just as difficult to come up with devastating negative arguments against sufficiency, maximin, simple equality, and the like.

Consider the criteria of simple equality. Perhaps the best known argument against simple equality is the so-called 'levelling down' objection. According to this objection, we do not really care about equality because if we did then we would welcome a situation

in which, as a result of some unforeseen natural disaster, the better off lose all their extra resources. Or, we would countenance inflicting injuries on the able-bodied to make them as badly off as the disabled. The fact that we do not welcome natural disasters and would not countenance disablement is alleged to show that we do not really care about equality (see Parfit 1998: 9-10). However, the quite correct response to this objection is that it is a mistake to assume egalitarians must welcome levelling down all things considered. A moderate egalitarian is someone who believes inequalities are bad but not the only things which matter. A moderate egalitarian, therefore, will say that even though the fall from grace of the well off or the disablement of the able-bodied is in *one* respect better – for making things more equal – these situations are not better overall because they involve a waste of resources, the violating of human rights, and perhaps even a diminution in aggregate advantage. (For more on the levelling down objection and the possible replies to it, see, for example, Spiegelberg 1944: 118-121; Scanlon 1976: 9-10; Parfit, 1998: 17; Sen 1992: 92-3; and Tempkin 1993: 282.)

It is difficult, then, to dislodge the belief that inequality is bad simply by pointing to the fact that we do not always welcome equalities and are not always moved to try to achieve them. The egalitarian can stick to his guns and say that equality is not the only thing that matters. However, the task of making a positive case for simple equality is no less difficult than the task of making a negative case against it. To illustrate this point, there are arguments in the liberal tradition supporting simple equality which invite forceful criticisms. In his book, *Rethinking Liberal Equality*, for example, Andrew Levine starts from the not implausible assumption that governments should try to be

neutral between competing conceptions of the good. However, he makes the further claim that it is not satisfactory for a liberal government just to tolerate a diversity of different lifestyles, it must also furnish people with the income they require to seek out what fundamentally matters to them even if what fundamentally matters to them is surfing all day (say). Levine dubs this view 'fairness to idleness', an ironic take on Rawls' paper, "Fairness to goodness". For Levine, free-riding is not always indefensible. Legitimate concerns about 'idle' surfers free-riding on the efforts of others do not undermine entirely the principle of liberal neutrality (see Levine 1998: ch. 1, esp. p. 28). One notable snag with Levine's argument, however, is that even if we accept the principle that governments should try to be neutral between different conceptions of the good, it does not follow from this that the liberal government has an obligation to tolerate and support invasive conceptions of the good and associated life plans. Not all ways of life must be treated with neutrality. Few people seriously think, for example, that a liberal society is obliged to tolerate the life plans of people who disseminate racist literature or subject others to lesser liberty. Nor do we believe that welfare authorities should turn a blind eye to people who make fraudulent claims against the Welfare State by assuming bogus identities (say). To make his case for 'fairness to idleness', therefore, Levine must first show that surfers have an acceptable conception of the good and associated life plan.

In taking up this challenge, Levine might claim a moral difference between the person who wants to surf all day (rather than work for a living) and a racist or a benefits fraudster, on the grounds that there is nothing malicious or dishonest about what the surfer would like to do: the surfer is not guilty of racial hatred or of pulling the wool over

people's eyes, he merely wants to surf all day and, if he can, live off the public expense. Also, if the liberal government does support surfers, the cost is shared between all taxpayers and no particular taxpayer is significantly worse off as a result (see Levine 1998: 31). Now there is at least one fairly obvious reply to this. As Jonathan Wolff has quite correctly indicated, it is also true of *some* people who engage in fraud that they do not necessarily make any particular person worse off, and the costs they impose on others *can* be negligible, but we hardly think such behaviour should be supported by the State (see Wolff 2000: 28). And some may believe the case against surfers is decisive on this score (see Torsky 1993). Nevertheless, my point here is that even if the lifestyle of surfers is invasive, there remains here a liberal case for equality in the distribution of real freedoms and securities that cannot just be ignored and could succeed in some cases.

Therefore, my rationale for introducing the levelling down objection and the argument from liberal neutrality into the discussion at this stage has been to motivate the following position: whilst I do not believe it is reasonable simply to ignore objections against proposed criteria at the level of first principle (not least objections to the criteria of choice-insensitivity and free-riding) it is not self-evident that the arguments against other criteria besides choice-insensitivity and free-riding are decisive. On the contrary, it is at least arguable – arguments can be presented – that from the perspective of finding assignments of responsibility which can be justified to those concerned, concerns about sufficiency, maximin, and even simple equality deserve to be given proper consideration and in some cases should be given *some* weight in the overall system of reasons. It is, of course, a matter for further discussion – to be undertaken below – the precise degree of

weight given to the different criteria in any given situation and on what basis. But we can at least make a start by spelling out the different reasons.

IX. Utilitarian reasons

A utilitarian reason is one that lights on the total amount of utility as a criterion on which to judge proposed divisions of responsibility. This type of reason holds that distributions of responsibility should be arranged so that they maximise the total amount of utility or good consequences. To put forward utilitarianism as a reason in favour of a proposed division of responsibility, then, is to ask other people to adopt arguably one of the most ethical motivations humans can have, that is, to be impartial between one's own happiness and that of others (see, for example, Mill 1972: 17).

Utilitarian reasons can be contrasted with criteria that focus on how good consequences should be distributed among individual members. Whilst it is right to note the difference between distributive and aggregative reasons, I think that it can be misleading to express that difference using the heading 'distributive justice versus social expediency'. I accept that these reasons can come apart but deny the further implication that only the former is appropriately a matter of justice. On the inclusive theory, justice has to do with finding divisions of responsibility which can be justified to each of the people affected by them and I can see no reason why this process of interpersonal

justification should not appropriately include both distributive and aggregative reasons. In other words, it seems to me that they are both fitting reasons of justice.

Utilitarian reasons rest on the assumption that what we care about most is welfare. But the point I want to make now is that utility need not be the only thing that it is right to aggregate and then maximise. Another plausible example of aggregative reasoning starts from the premise that it is right to adopt whichever divisions of responsibility maximise the overall amount of freedom and security in society. There are stronger versions of this thought but consider the version that says: maximising freedom and security matters, though it is not the only thing that matters. This version of the public interest argument is an evaluation of: (1) how onerous (understood in terms of freedom and security) it is for individuals to be held responsible for the consequences of their choices, (2) how onerous (understood in the same way) it is for the rest of society in the event that individual responsibility is waived, and (3) the potential benefits (again in terms of freedom and security) of collective responsibility for society as a whole. Under what conditions would this argument support collective responsibility rather than individual responsibility? Put simply, if forcing individuals to bear the consequences of their own choices diminishes real freedom and security more than forcing the rest of society to bear these same costs diminishes real freedom and security, then the aforementioned argument will have the implication that it is better not to force individuals to bear the consequences, because not doing so results in greater real freedom and security overall. This will be the case if forcing individuals to bear the consequences of their own choices results in them being very little able to do what they want to do and having very little real security, whereas

assigning responsibility for the same costs collectively very little diminishes the real freedom and security of the rest of society because the same costs shared collectively has a decreasing impact on agents' real freedom and security as the number of people sharing responsibility increases. In short, in some cases we can say that it is not in the public interest to insist on individual responsibility.

X. Prioritarian reasons

I have said that the utilitarian family of reasons holds that divisions of responsibility should be set to maximise good consequences for people's interests. It is a central tenet of utilitarian reasoning, then, that everyone's utility should count the same. Defenders of prioritarian reasons, on the other hand, hold the following view: 'We should not give equal weight to equal benefits, whoever receives them. Benefits to the worse off should be given more weight' (Parfit 1998: 12). Whereas a utilitarian division of responsibility demands that the division maximise the sum total of good consequences, prioritarianism demands that the division maximise the sum total of weighted good consequences, with additional weight going to the least well off. Prioritarianism does not imply that benefits to those who are worse off could not be outweighed by sufficiently great benefits to those who are better off, but it does imply that the overall importance of each good consequence depends on the recipient.

Arneson's article "Luck Egalitarianism and Prioritarianism" is an exemplary study of how an appropriately weighted utilitarianism (in his view, prioritarianism) can be combined with the choice/luck criterion to produce a more powerful theory of justice. On this pluralistic theory of justice, social institutions and practices should be arranged so that they maximise preference satisfaction, but with two important stipulations. The first stipulation is that benefits are more important the lower the person's welfare prior to receipt of the benefit. The second stipulation is that benefits are less important the greater the degree to which the person's position reflects his voluntary choices (see Arneson 1999b: 497; 2000b: 343). I think that there is something importantly right about this pluralistic theory of justice, namely, that it tries to incorporate a number of fundamentally important criteria, rather than attempting to reduce the subject matter to a single all-encompassing distinction or concern.

5.3 CO-RESPONSIBILITY

Thus far I have argued that reasonableness is a promising basis for assignments of consequential responsibility where reasonableness is defined in terms of giving consideration to, and the balancing of, a number of formal and normative reasons including, but not exhausted by, the choice/luck distinction and second-order preference identification. To recap, these reasons fall under the following categories:

- I. The distinction between choice and luck.
- II. Whether or not an agent identifies with his tastes and preferences.
- III. Special responsibilities.
- IV. Desert.
- V. Concerns about free-riding.
- VI. Sufficiency.
- VII. Maximin.
- VIII. Simple equality.
- IX. Utilitarian reasons.
- X. Prioritarian reasons.

I do not claim as definitive this list of reasons. My aim has been to defend an inclusive approach to consequential responsibility as opposed to a formal approach, and inclusive theories of responsibility are consistent with the inclusion of more reasons. Perhaps there are reasons that some people would argue should be put on the list. A society might come up with such a reason. However, in order to defend the addition of an extra reason it is necessary to show (1) that it is supported by common intuitions about consequential responsibility, (2) that it is of wide enough appeal to satisfy the constraint of interpersonal justification, and (3) that it cannot be subsumed under any of the above reasons. I cannot think of too many other reasons of justice that might do this, but I do not exclude the possibility in advance of further argument.

However, there remains one very important question that I have yet to address: how do policy makers translate the above reasons into actual judgements of responsibility? In the simplest cases we can say that a proposed division of responsibility is reasonable if each person has reason(s) to support it and no person has reason(s) to reject it and, conversely, that a proposed assignment of responsibility is unreasonable if some people would suffer burdens or would have reasons to object to the rule that under an alternative feasible rule nobody would bear or could object to and, furthermore, which nobody could object to on other grounds. In an ideal world, therefore, the State would be able to make only those divisions of responsibility which satisfy all the criteria fully. However, in practice this might be impossible due to the fact that the various criteria outlined above come into conflict. Far more likely will be situations in which a proposed assignment of responsibility is supported by some reasons but can be objected to for other reasons. With this in mind, let us now return to the second of the three questions raised at the start: how do we balance conflicting reasons?

To be sure, if we had rules determining the weight of different reasons, then it might be fairly straight forward to arrive at definitive judgements of responsibility. One option might be to develop a lexicographic order between the criteria. Assuming, for the sake of argument, that criterion I. listed above is the most important criterion followed by criteria II., III., IV., and so on, this would mean that the State should make divisions which satisfy criterion I., then, if there are any choices between divisions left to be made, the State should make divisions which satisfy II., then III., and so on. Or else, we could try to develop a more sophisticated weighting system bringing in real numbers between a range

of 0 to 10 (say) representing the cardinal values of the relevant criteria. (Ordinal functions of value for pairs of criteria might be intransitive and, therefore, too complicated to be of any real use to policy makers.) The State could then aim to make divisions of responsibility which satisfy the given values of all the criteria in play. And, if it is impossible to satisfy *all* the criteria in line with their appropriate values, the State could at least try to satisfy the most important criteria first (as determined by the criteria with the highest values) and partially satisfy the less valuable criteria. Or, the State could try to make whichever divisions bring us closest to satisfying all the criteria. However, the crucial question then becomes this: how do we determine these weights?

It will not have escaped the reader's attention that so far I have not provided any functions or rules determining the relative value or weight of the different reasons. This is no mere oversight on my part. I am sceptical about whether we can develop, in any non-arbitrary way, universal functions or rules at the level of first principle. Why so? The theory of responsibility defended here (the inclusive theory) takes into account a wide variety of reasons based on different sorts of interests, so it is unclear whether the different reasons can be measured against a unified interest – such as utility – and then given a lexical ordering or system of weights accordingly. In other words, there may be no way of saying which reasons are decisive or carry more weight on the strength of a single interest. Much the same problem applies to any further attempt we might make to determine the weight of the criteria themselves. It could be right, for example, to give more weight to choice-sensitive than other criteria, but it could also be right to give more weight to other criteria besides choice-sensitivity. It is unclear to me how we should

decide. Both outcomes seem equally consistent with justice. There will, then, be a range of different ways to make trade-offs between the interests in play and the different criteria of distribution and no formal way to choose between the possibilities at the level of first principle. Of course, we cannot appeal to the interests or the criteria themselves in order to make the choice because the relative importance of the different interests and criteria is precisely what is at stake.

At first glance, the fact that the inclusive theory does not determine single outcomes might appear to be a major weakness of the theory. But on closer examination I think that it is the strength of the theory. Current egalitarian literature puts a great deal of emphasis on the choice/luck distinction. After reading this literature one might be forgiven for assuming that there are metaphysical truths about consequential responsibility that need only be uncovered to know what justice demands. It remains the case, however, that in ordinary discourse people put forward different normative reasons in favour of and against proposed divisions of responsibility and disagree about the relative importance of those reasons. Rather than there being an agreed list of priority rules which settle debates decisively and with definitive outcomes, there are multiple arguments about which criteria are in play and which criteria matter most. This public disagreement is not eliminated under the inclusive theory but given pride of place. And this, as far as I can see, is a point in its favour not a deficiency. Sometimes the truth is more complicated than we might like it to be.

So what, if anything, can we say to go further? It seems to me that when faced with a range of responsibility-criteria which do not admit of fine-grained outcomes in the abstract, a fitting solution is to revert to a lower level of abstraction, allowing decisions about how much weight is given to particular reasons, in given cases, to be made by citizens in each society. What I am proposing, therefore, are two levels of interpersonal justification. At the higher level we try to establish which normative reasons are in play and try to identify a range of assignments of responsibility that others can accept or at least can be justified to them on the balance of the reasons in play. Then, as voters, we select particular assignments of responsibility within the specified range. As voters our commitment is often to select policies which are in our own best interests, but this does not have to be the case. In any event, at the higher level our motivation must be to select a division of responsibility which can be justified to each other person. This surely is the hallmark of reasonableness.

With this in mind, I can now address the third of the three questions raised at the start of this chapter: what is the importance of abstract normative justification to the decisions we make about consequential responsibility *qua* voters? On the inclusive theory, the function of abstract normative justification is to impose constraints upon democratic decision-making. There is, therefore, latitude for the will of the people to be expressed but with limitations. The limitations on majority decisions are precisely this: the set of policies from which one policy is to be chosen should reflect or take into account normative reasons identified at the higher level. This will mean, for example, that if the democratic majority in a society decides to withhold all access to assistance from a

particular group or, conversely, to waive all personal responsibility for the fate of that group, then we can say that it acts unjustly if such a decision can be reasonably rejected on normative grounds by a democratic minority. Thus, even if it falls short of determining the exact weight of different reasons at a high level of abstraction, political philosophy can do much in terms of identifying which reasons might be in play and highlighting policies which fail to take account of those reasons and, therefore, which treat a certain section of society unfairly.

Why must the higher level of interpersonal justification take precedence over democratic decision-making? The crucial point here is that we want to be able to criticise majority voting from a normative point of view if that voting threatens the interests of a minority. And in order to be able to do this we should not give the power to voters simply to rule out a particular reason, and the policies it supports, merely because they do not agree with it. In this way the inclusive theory draws heavily upon a Kantian tradition in contractualist thinking – described earlier in this chapter – that links Kant, Rawls, Scanlon, and Anderson. This line of thought holds that the ultimate test for any moral or political principle is respect for persons, which in turn requires that principles be such that they can be justified to each person. The higher level of interpersonal justification just outlined seems to be indispensable to reasonableness viewed in this way, not only as a political value that is allied to democratic decision-making but also as a more demanding requirement which protects the interests of every person, even those in a minority.

Returning now to the question of how the exact importance of different reasons is to be determined, some people might insist that priority rules are possible even at a high level of abstraction. However, it seems to me that attempts to specify the weight of different reasons swiftly lapse into arbitrariness. The problem is as follows: at the level of first principle, some people could say that a reason should be given the value of 3 in a range of 0 to 10, but other people could disagree and say that it should have the value 2 or 4 or 9 even. In the end, all we have are competing assertions about what is most important. Consider, for example, the two criteria of maximin and choice-sensitivity. We could assert that maximin should have a value of 3 whereas choice-sensitivity should have a value of 6. Yet we could just as easily assert that choice-sensitivity should have a value of 3 and maximin a value of 6. There may be reasons why the first claim is correct and the second incorrect, but I must confess I do not know what they are. It seems to me that any weighting we select between 0 and 10 is going to be equally well motivated when viewed in the abstract, that is, without looking at what people in actual democratic societies care about most.

In response to this underdetermination at the level of first principle, the present theory says that it is acceptable for the specific valuation of reasons to be settled at the democratic level. The purpose is to develop definitive answers to substantive questions, whose answers we are unable to specify at the higher level. How is this to be done? It might be unrealistic to ask voters whether reason R1 is more important than R2, or how much value should be given to each reason on a scale between 0 and 10, without offering specific examples. On the other hand, it might be impractical to ask the public to

consider every specific case before deciding. Nor are voters' representatives likely to be asked to make decisions on every specific case. Even so, voters and their representatives do make choices about which policies they favour and could be asked to express general opinions about the importance of different reasons, and from these indications it might be possible to make a determination of where the priority and weighting of different reasons rests on a general basis. Where people have roughly similar beliefs about justice there might even be a large majority in favour of a particular weighting of reasons. However, where the reasons are of a very complicated or technical nature, it might be more appropriate to take the decision out of voters' hands and even out of the hands of voters' representatives and leave the decision to special committees of experts. They can then make determinate decisions based on their special understanding of the reasons in play and their assessment of what the will of the people would be if everybody were equally well informed.

Of course, saying that a number of reasons deserve consideration at higher and lower levels of interpersonal justification is not the same as saying that every reason must be given some weight in the final analysis. After reflection we could decide not to give any weight at all to a particular reason. This outcome is not unjust because reasonableness does not entail that all reasons are ruled in at all times. But how, in that case, do we determine which reasons are ruled in or out? Two grounds which are relevant at the higher level of interpersonal justification are: (1) whether our common intuitions support the reason as a fitting basis on which to assign responsibility in different ways and (2) whether the reason can be specified at a high enough level of generality to serve as a basis

for justification between the many and not just a few or one. The purpose of the democratic level is to determine the exact weight of different reasons and to close in on actual policies. This means that the majority decision is not sufficient by itself to rule out a reason on normative grounds. However, even at the democratic level reasons can be ruled in or out on the basis of: (3) whether any empirical conditions presupposed by the reason obtain in the given case.

I am aware that these three aspects of the inclusive theory require more detail, but I think the best, and perhaps only, way to furnish this detail is by looking again at the specific cases discussed in previous chapters and trying in each case to spell out which reasons I believe are ruled in or out and why. But before doing so I need first to address an issue about how diametrically opposed reasons can be accommodated by policy makers.

On my interpretation, reasonableness means a balancing act between potentially conflicting normative reasons as well as scope for the majority of people in each society to determine more precisely the weight of different reasons. However, this invites a problem if there are reasons which support imposing full individual responsibility in a particular case *and* reasons which support imposing full collective responsibility. The problem is this: if the choice is presented to voters as policy X or policy Y, then they might be forced to make an exclusive choice between reasons, which in turn could mean that the decision they reach runs foul of higher level reasonableness. At the higher level, it might be the case that both the reasons which support X and the reasons which support

Y are sufficient grounds for reasonable rejection of the alternative policy, because both sets of reasons must be given some weight. The upshot is that whichever decision the majority takes will be unjust at the higher level because voters are being asked to make an either/or choice.

The solution to this problem is for policy makers to present voters with policies which accommodate both sets of reasons. But which policies are these? In these cases a just outcome is likely to be some form of what I shall call 'co-responsibility'. Co-responsibility is understood to mean that responsibility is *shared* between the individual and society as a collective body. To be more exact, a co-responsibility outcome is one in which the agent must assume part of the costs of his choices – for example, the loss of some real freedom – as a part of embracing responsibility, before society as a whole takes responsibility for the rest of the costs. I shall give further details of what I mean by co-responsibility and why I think it can be a just outcome in the examples that follow, but before doing so I should first make clear a couple of extra points.

I do not say that co-responsibility will always be the just outcome. The justice or otherwise of co-responsibility depends on the presence of credible reasons both for and against a proposed division of responsibility. Where there are reasons deserving of weight on both sides, co-responsibility outcomes are just, otherwise they are not. Nor do I say that, in any given case, there will only be one co-responsibility outcome. On the contrary, there are likely to be a number of ways to share responsibility and so a range of co-responsibility policies for voters to choose between. Rather, my argument is

essentially that reasonableness can, in some case, entail a compromise between important reasons such that it is right to share responsibility rather than forcing voters to make a polarised choice between full individual responsibility and full collective responsibility. In other words, if there are reasons on both sides of the debate that could offer grounds for reasonable rejection at the higher level, co-responsibility policies offer a suitable compromise. And it is entirely fitting for voters to decide which co-responsibility policy to adopt within the acceptable range.

5.4 EXAMPLES AGAIN

On my reading, then, reasonableness has to do with finding reasons for a policy that are, on balance, good enough to justify the policy to those affected by it. So, with this in mind, let us look again at some examples and ask: what reasons are in play and what might co-responsibility be like? As far as possible I intend to examine these reasons in the same order as in previous chapters, but I should make it plain that I have chosen the following examples because they capture very well the different reasons in play as well as the various interests mentioned above, and because they demonstrate the advantage in explanatory power that the inclusive theory has over its rivals; or so I believe.

A. Unemployment and underemployment

As we have already seen, the criterion of choice-sensitivity stipulates that individuals should have less income as a consequence of choosing less productive ways to work. But there may also be countervailing reasons supporting collective responsibility. I intend to outline some of these reasons in a moment, but let me first say something about how these reasons might be brought together in a compromise.

A co-responsibility policy is one that balances competing reasons by sharing responsibility between individuals and society as a collective body. Even so, at the level of policy there is likely to be more than one way of achieving co-responsibility. One possibility is ‘social security’ for anyone who is unemployed but with reductions reflecting personal responsibility. Under this policy, even if an agent voluntarily chooses to earn less than the agreed level of coverage, he will still be entitled to receive some income from society in respect of the differential, but somewhat less than an amount that will bring him up to the agreed level of coverage. Another possibility is ‘unconditional basic income’. Unconditional basic income is a flat rate income paid to everybody rather than being based on the difference between a person’s actual earnings and his or her earning potential. Even so, it is a co-responsibility policy in the sense that whilst society assumes collective responsibility for providing a basic level of income for all, individuals are held responsible for any income they choose or do not choose to earn above that level.

Which reasons, if any, support these possibilities? One reason for adopting an unconditional basic income is the criterion of maximin real freedom. According to this criterion, the question of when and how far individuals should assume responsibility for their own income depends on whether or not it is to the greatest benefit of the least advantaged (understood in terms of real freedom) that access to income should be conditional on some exercise of personal responsibility. And it might be argued that it is to the greatest benefit of the least advantage for society to assume collective responsibility for providing the highest sustainable unconditional basic income for all. This is precisely the argument put forward by Van Parijs.

To be more exact, Van Parijs defends the criterion of lexicographic maximin real freedom combined with a well enforced system of private property rights including self-ownership (see Van Parijs 1995: 25). He argues from this criterion to an unconditional basic income for all set at the highest sustainable level. The argument is formulated as follows. Firstly, a free society is defined as one in which there is lexicographic real freedom. Secondly, a just society is defined as a free society in the same sense. Thirdly, priority is given to justice (understood in terms of freedom) above other values (see Van Parijs 1995: 27). And, the final step in the argument, is to argue that a just society is one in which there is unconditional basic income for all set at the highest sustainable level (see Van Parijs 1995: 33).

Van Parijs' suggestion, then, is that unconditional basic income for all set at the highest sustainable level follows as an implication of the principle that access to income

should be arranged so that it is to greatest benefit of the least advantaged. I shall not discuss here the possible reply that Van Parijs' tripartite definition of a free society is incoherent because we cannot, in any meaningful sense, secure people's private property rights and self-ownership and, at the same time, redistribute income and wealth to achieve lexicographic maximin real freedom (cf. Van Parijs 1995: 26). However, I do want to discuss the fact that Van Parijs defines a just society purely in terms of freedom.

I do not think that we can take it for granted that securing freedom in the defined sense is all there is to making a just society. If we assume this, then others can easily make the opposite assumption that securing choice-sensitivity and luck-insensitivity is all there is to justice. According to this opposite view, justice in fact supports the lowest feasible unconditional basic income for all. I must confess that I do not know of any decisive arguments in favour of either view that would silence their opponents. Consequently, I take the position that it is rightly a matter for each society to decide how much weight it gives to maximin real freedom and choice-sensitivity and, therefore, how much unconditional basic income is made available to citizens; this, at any rate is the implication of the inclusive theory.

Of course, some might try to argue that maximin real freedom should be ruled out entirely. Tony Atkinson argues that in order to secure political support it may be necessary for defenders of basic income to compromise on their commitment to unconditionality. He defends instead what he calls 'participation income'. A participation income would be non-means-tested but it would be eligibility-tested in the

sense that it would be available only to those who participate in economic activity, paid or unpaid, or else are unable to participate (see Atkinson 1995: ch. 15). Eugene Torisky argues, in a similar vein, against unconditional basic income on the grounds that it fails to give due weight to concerns about those who choose not to contribute to society. His cites the case of surfers living on the public expense. Torisky seems to favour what we might call a 'contributor's income', which implies that income should be paid to surfers who spend some of their time cleaning beaches but not to surfers who surf all day (see Torisky 1993: 294-5).

However, the proposition that access to income should be conditional on participation or contribution needs to be handled with caution from a normative point of view if not from a political perspective. I do not say Atkinson and Torisky are incorrect in wanting to give some weight to concerns about free-riding. Even so, they propose to mete out full consequential responsibility to individuals who choose not to participate or contribute. This means that in bending over backwards to give weight to participation and contribution, they do not give *any* weight to other reasons. I must admit I do not see how other criteria can be ruled out so easily.

Much depends on how we interpret common intuitions of course. At first glance, the case for giving money to surfers appears weak at best. As previously mentioned in this chapter, some have attempted to defend unconditional basic income on the grounds that it is right for the State to be neutral between competing conceptions of the good (see, for example, Levine 1998: ch. 1). But in reply to this, others can insist that we do not really

care about giving people real freedom of occupation – and, in that sense, being neutral between competing conceptions of the good – if what they want to do is surf all day rather than work for a living. However, those who want to try to defend unconditional basic income against the surfer objection can appeal to three additional arguments in making their positive case.

The first argument that has frequently been made in favour of unconditional basic income takes as its starting point an alleged entitlement to an equal share of the earth's natural resources. According to this 'basic dividend argument', surfers have a right to unconditional basic income conceived as a 'rent' to be paid by those currently in possession of (or benefiting from) an unequally large share of the earth's natural resources (see, for example, Steiner 1998: 99-100n.12). We might frown upon those who choose to use their share so frivolously, but that does not mean to say they have no right to do so. Why should we determine how others use the rent they are owed? Putting the same argument slightly differently, the mere mention of common intuitions does not destroy the case in favour of supporting surfers because intuitions shift when extra reasons are brought in. A simple description of the situation might lead one to conclude that surfers are rightly held responsible for their choices. Nevertheless, intuitions can change when we consider the possibility that surfers might have a claim to an equal dividend from the earth's natural resources, the same as anyone else. What do we think now? The situation has not changed, but the reasons we use to judge it have. And we might be inclined to say that surfers do have a right to income.

Rawls' difference principle also bears notice at this juncture. The difference principle stipulates that inequalities of income and wealth should be arranged so that they are to the greatest benefit of the least advantaged (understood in terms of primary goods) (see Rawls 1971: 302). This seems to have the implication that people who prefer to surf all day are entitled to a share of the resources of the rich. In responding to this putative counter-example, Rawls subsequently considered the possibility of making leisure a primary good. 'I shall only comment here that twenty-four hours less a standard working day might be included in the index [of primary goods] as leisure. Those who are unwilling to work under conditions where there is much work that needs to be done (I assume that positions and jobs are not scarce or rationed) would have extra leisure stipulated as equal to the index of the least advantaged. So those who surf all day off Malibu must find a way to support themselves and would not be entitled to public funds' (Rawls 1996: 181-182n.9). Rawls, then, believed it might be possible to yield to the surfer objection by adjusting the weight of the primary goods such that surfers are no longer considered to be faring worse than others. Accordingly, Rawls' proposal gives *all* the weight to concerns about free-riding and no weight to other criteria. Yet I do not think that we can simply assume that common intuitions are so clear-cut. When evaluating the difference principle we must also take account of other reasons that do support the claims of surfers such as the argument that surfers have a right to an equal share of the earth's natural resources, conceived as manna to be distributed equally. An alternate proposal to the one envisaged by Rawls, therefore, would have extra leisure stipulated as *almost* equal to the index of primary goods, such that those who surf all day

off Malibu would be interpreted as being entitled to *some* public funds. Surely we must take this proposal just as seriously as Rawls' (see, for example, Van Parijs 1995: 97).

The second argument for paying an unconditional basic income to everybody rests on a frequently proposed utilitarian principle. Considerations of choice-sensitivity suggest that people should have less residual income as a consequence of the choices they make about work, whereas utilitarianism seems to support a policy of redistributing income to the poor regardless of an agent's own responsibility for being rich or poor. This is because of the alleged principle that income has diminishing marginal utility: the more income people have, the less pleasure they derive from additional amounts (see, for example, Arrow 1971: 409). Even so, it is important to recognise at this stage that the success of this version of the public interest argument rests on the assumption that the principle of diminishing marginal utility outweighs any utility-maximising consequences of imposing responsibility on individuals. This assumption requires further exploration which it will receive below.

A third argument which supports giving unconditional basic income to everybody has to do with the social bases of self-respect. The link between unconditional basic income and self-respect can be supported in different ways. One question is this: what affect might the blind pursuit of choice-sensitivity have on the motivation of those people who are able to assume responsibility but have so far been disinclined to do so? Suppose we say that the main task of welfare officials in dealing with those who are unemployed is to assess whether or not a claimant has a valid excuse for being out of work. I do not ignore

the fact that this is one obvious way of catering to individual responsibility, but there are drawbacks with this type of system. For one thing there is little or no evidence to suggest that this strategy can increase levels of work among the most recalcitrant work-shy. On the contrary, studies in the United States and Britain have shown that denying aid to people who elect not to work is not sufficient for a change in their pattern of behaviour and underlying work ethic. The idea is that 'Merely to deny aid does not tell people what they should be doing instead of being dependent. It is not prescriptive enough' (see Mead 1997: 20). Why should we care? One thought is that this may constitute a missed opportunity for promoting the benefits of work and the increased self-respect that frequently comes with it. By maintaining aid there is always a chance that a person may, at a later stage, agree to learn new skills and engage in job searching behaviour. And the long-term result may be a new job and an increase in his self-respect. Of course, there will be people for whom the threat of losing benefits will be a powerful incentive: they will find a position for themselves in the labour market and this will enhance their self-respect precisely because they can no longer rely on aid from the State. But this might not always be the case.

This is not the only version of the argument from self-respect. Rawls argued that arranging social and economic inequalities so that they are to the greatest benefit of the least advantaged is an important social basis of self-respect (see Rawls 1971: 178-80). The basic idea is that parties give weight to how well the principles of justice support self-respect as something rooted in their ability to pursue a worthwhile conception of the good. And Rawls believed that the difference principle will support self-respect both in

terms of the public affirmation that social and economic inequalities must be arranged so that everyone, rich and poor, can pursue a worthwhile conception of the good, and in terms of the practical point that arranging inequalities in accordance with the difference principle means that people are actually able to pursue a worthwhile conception of the good (see Rawls 1996: 318-9). For example, some people may derive self-respect from being able to engage in leisure activities that they would not be able to engage in if they did not receive unconditional income from the State and, therefore, had to work for a living (see McKinnon 2003: 148).

The link between unconditional basic income and self-respect can be further supported by looking at the consequences of *not* making access to income unconditional for people's self-respect. Suppose, for example, the State were to make access to income conditional on the ability to prove that one is unable to work or find a job. This might have a negative impact on the self-respect of those who must go through this process. How can they hold on to their self-respect when there is public affirmation of the fact that they are unable to lead the type of life that others deem worthwhile? The problem is that in trying to encourage people to work for a living we risk humiliating or setting up for a fall those who are in fact incapable of work (see, for example, Arneson 1990: 1133; Wolff 1998: 113-5; and Anderson 1999: 305).

In the end, therefore, I do not think that a policy of unconditional basic income can be ruled out on normative grounds, since there are credible arguments which support some level of unconditional basic income. There is, however, a further wrinkle. Whilst I think

it is right that we take seriously the three arguments just outlined in favour of unconditional basic income that I have, it is important not to read too much into them. It seems to me that although it can be right to limit choice-sensitivity, the three reasons which support the positive case for unconditional basic income do not entirely overshadow our commitment to choice-sensitivity, and this is what I want to explore now, starting with the argument for unconditional basic income which is based on the utilitarian calculus.

This argument rests on the idea that not imposing individual responsibility has utility-maximising consequences by virtue of the principle of diminishing marginal utility of income. One reply to this argument is to point out that diminishing marginal utility is not, in fact, a universal law. This reply is well rehearsed in both the economic and philosophical literature. In some cases, if resources went to those who are somehow impaired in their ability to convert income into welfare, they would not give those people much additional utility at all (see, for example, Sen 1973: 15-18). In other cases, if resources went to those who were already well off but were also 'utility monsters', then this would maximise the overall amount of utility (see Shaw 1999: 119-20). In these cases, utilitarianism would not support egalitarian redistribution. So, then, if there is a utilitarian argument for egalitarian redistribution, then it is contingent as well as instrumental.

However, a further reply I wish to stress here is that in consistently applying utilitarianism we must also treat any utility-increasing consequences of imposing

responsibility on individuals just as seriously as any utility-increasing consequences of *not* doing so. What, therefore, might be the utility-increasing consequences of imposing consequential responsibility on individuals? For one thing, taxing the financial rewards given to hard working high-flyers may reduce the incentive to work hard and thereby lower efficiency, innovation, and economic growth, which may in turn lead to fewer opportunities and less wealth overall. Policies which require the poor to work for their income may also increase utility. This might happen in a number of ways including as a result of the greater prosperity of those who take up work, indirectly from an increase in the labour supply and reductions in social exclusion and crime and, more directly, as a result of the satisfaction people derive from earning their own keep (see Arneson 1990: 1132).

These, then, are just some of the ways in which personal responsibility could actually enhance utility. The upshot of all this is that in so far as utilitarianism supports the policy of unconditional basic income by virtue of the principle of the diminishing marginal utility, some of that argument must be offset against any benefits that might accrue to individuals and society as a whole as result of forcing people to assume greater personal responsibility for their own income. Consequently, if taxing the rich for the sake of the poor is in the public interest, it may only be so up to a point.

The third argument in favour of unconditional basic income introduced above was based on the social bases of self-respect. This argument also repays closer investigation. The idea that the social bases of self-respect are important desiderata of justice is due, in

large measure, to the influence of Rawls. Even before the Commission on Social Justice in the United Kingdom concluded that people have a right to self-respect (Commission on Social Justice 1993: 16), Rawls claimed in *A Theory of Justice* that it is rational for parties behind the veil of ignorance to desire the social bases of self-respect (Rawls 1971: 92-93); that the social bases of self-respect are 'perhaps the most important primary goods' (Rawls 1971: 440). For Rawls, self-respect is orientated around two things: (1) the conviction that one's plan of life is worthwhile, and (2) confidence in one's abilities to achieve that plan (Rawls 1971: 440). It is perhaps easy to see, therefore, why he placed such weight on the social bases of self-respect. Perhaps no rational person wants to feel as though nothing has any point and that all effort is hopeless.

However, it is far from clear-cut that the argument from the social bases of self-respect is able to completely trump possible concerns about choice-sensitivity. Even working within the methodological structure developed by Rawls, it is open to doubt whether the parties behind the veil of ignorance would choose unconditional basic income as a necessary social basis of self-respect, irrespective of other reasons. Some people, for example, might be willing to overlook the fact that without unconditional basic income (or with unconditional basic income set at a very low level) they will be without one important social basis of self-respect, so long as they would be able to reap more of the rewards of their labours, and not have to give up their money to people who choose to surf all day rather than work for a living. In this way they might be willing to gamble on the fact that they are the sort of person who wants to work. In other words, behind the veil of ignorance it might not be so irrational to want the State to insist on a

relatively high degree of choice-sensitivity. This trade-off is all the more understandable when one considers the fact that in the perfect Rawlsian society citizens will have access to a number of social bases of self-respect. Rawls believed, for example, that equal basic rights and liberties for all can be a foundation for people's sense of equal worth (Rawls 1971: 544); he also believed that offering opportunities for education is an important way of securing, for each person, a sense of his or her own self worth (Rawls 1971: 101); and he claimed that opportunities for meaningful occupation should be available to all citizens because lack of meaningful occupation is destructive of citizens' self-respect (Rawls 1996: lix).

Bringing all these points together, the substantive question is this: at what level of income does unconditional income become an unreasonable policy? And, on the inclusive theory, the answer to this questions rest on the various types of competing reasons that I have discussed, namely, choice-sensitivity, concerns about free-riding, maximin real freedom, the right to a basic dividend from the earth's natural resources, utilitarianism, and the social bases of self-respect. However, it is worth emphasising again at this stage that I am doubtful whether any meaningful answer to this question can be unearthed in the abstract. According to the inclusive theory, it is a matter for each society to decide the level of unconditional basic income given to everybody in accordance with the amount of weight it assigns to the various reasons in play. This means, in effect, that the amount of income given to everybody unconditionally (surfers included) will slide between the lowest feasible level and the highest sustainable level as

more or less weight is given to the different reasons by voters in different political communities.

All of this, however, invites the following fairly obvious question: what if the majority of voters would not be in favour of giving unconditional income to surfers? Even if the majority would not be in favour, it should be stressed that the process of normative justification rightly imposes limits on democratic-decision making. This means that it is rightly a matter for democracies to decide exactly how much income should be given to surfers but not whether or not that income should be unconditional. This is because there are normative grounds for reasonable rejection of policies which give no placing whatsoever to unconditionality.

I think that the clear benefit of analysing consequential responsibility in this way is that we can uphold the normative reasons in play at the higher level but also allow democracies to make their own decisions (within boundaries) about how more exactly the reasons will be translated into policy. What is more, I do not think this division of labour is open to the choice theorist for the simple reason that on his view assigning consequential responsibility is, at heart, a metaphysical enterprise. He could say that the public has a role to play in that enterprise in terms of pinning down the choice/luck distinction, but then he must explain how and why the public is better placed than metaphysicians to make fine-grained distinctions. Alternatively, if the choice theorist concedes that voters ought to be allowed to interpret the distinction as they see fit, take one step back from narrow metaphysical questions if they wish, then he is in danger of

admitting ground to the inclusive theory. Surely how people commonly interpret the distinction will depend on their wider normative beliefs and their convictions about which divisions of responsibility are in their best interest and can be justified to others on a range of different types of criteria.

The ability of the inclusive theory to deliver nuanced as opposed to dogmatic results is not restricted to the case of surfers. Consider those skilled workers or university graduates who find themselves out of work. Should they accept whichever jobs are available to them at any given time or is it reasonable for society to support them whilst they wait for more suitable employment? Suppose an experienced and highly skilled ship builder has recently come to the end of his contract and has only a limited chance of finding a similar job in the near future. The only work he can get immediately is sweeping floors in a local factory or as a night watchman on an industrial estate, which he is not keen to do. Or suppose a talented and hard working young graduate has difficulty finding a job in his chosen area of specialisation, website design. Though there are some opportunities for website designers, he is likely to have to wait for a period of time before he gains employment. Though he has the chance of accepting a less well-paid job as a filing clerk in the meantime, he would like to spend time brushing up on his programming skills and doing some informal work for friends and family. I have already looked at arguments for an unconditional basic income for everybody based on the principle of a basic divided, aggregate utility, and the social bases of self-respect. But what else can we say to support these individuals' claims to levels of income over and above the

unconditional basic income given to everybody? That is, what specific arguments can be tailored to these particular cases?

The criterion of choice-sensitivity seems to entail that if a skilled worker or university graduate opts to wait for his preferred job, he must accept less residual income as a consequence. Even so, other reasons might suggest a different response. One reason for giving unemployment benefits to such individuals might be to compensate them for the failure of governments to meet their reasonable expectations. The basic idea is that if a person is engaged in a particular type of work for a long period of time or undertakes a course of study in a particular field, then he can develop expectations about future employment. He can believe that a job will be available to him and make economic plans such as buying a house or taking on board a student loan based on the wage he expects to earn. On this argument, it is unfair to make him bear the economic consequences of reasonable expectations which are not met, and so he should be given extra income as compensation.

Of course, it might be questioned (1) whether we have an obligation to offer income in lieu of actual job opportunities, and (2) whether the responsibility to satisfy reasonable expectations rightly attaches to society as a whole as opposed to employers or universities themselves. In support of (2) it might be argued that it is employers and universities who are guilty of playing up expectations of work, in some cases unrealistically. However, in reply to (1) it can be insisted upon that paying income is the most suitable form of compensation in the absence of being able to address the lack of opportunities.

Furthermore, in reply to (2) it can be observed that it is society as a whole (or at least the government) that regulates the job market and structures university numbers. Even if we accept that the State is not responsible for maintaining full employment across the board, governments can, and often do, intervene to support particular industries and promote university education, and so cannot abdicate all responsibility when people find themselves unemployed having formed reasonable expectations of future employment. So, it is at least arguable that part of the responsibility must belong to society as a collective body.

A second reason that might support collective responsibility is that, in some instances, it is in everyone's best interest to allocate skilled workers only into the relevant skilled jobs. Among the background conditions that might add support to this aggregative argument include the following: (1) that skilled workers taking unskilled jobs results in the unemployment of unskilled workers, and (2) that a reserve army of skilled labour ready to take up any newly available jobs leads to competition for jobs, moderation of the wage demands of those in work, increased levels of efficiency, and the ability of companies to expand and contract production as required. Naturally, these background conditions are will not always obtain, but where they do there is the potential to say that a just society is one in which society assumes collective responsibility for paying these individuals an income whilst they wait for suitable employment.

The upshot of all this is that whereas choice-sensitivity will not support 'compensation' for those who voluntarily choose to wait for suitable employment post

redundancy or training, reasons to do with reasonable expectations and the general interest might support public subsidies over and above the basic income. So what would a reasonable solution to this policy dilemma be? There are different possibilities here, but one feasible option is fixed cut-offs for those receiving unemployment benefit. Under this proposal, new claimants would have a right to benefits only for a specified period of time, after which they would no longer be eligible. This should be made clear to them at the outset so they do not develop further expectations.

Why pay compensation only for a fixed period? Arguments about reasonable expectations and whether or not it serves the general interest to pay such individuals a high income – to match their high earning potential – so that they do not have to work, may or may not support indefinite unemployment benefits. But in any event these are not the only reasons at stake and some reasons may not support indefinite benefits. For example, some weight must be given to choice-sensitivity. Hence, fixed cut-offs introduce a degree of personal responsibility for finding work after an initial period is over. Following on from this, it is rightly a matter for each society to decide how long this period should be – in Germany, for example, the cut-off period for unemployment benefits for redundancy currently stands at one year (Woodhead 2001: 23).

Yet another illustration (if one were needed) of the subtleties required in making just assignments of consequential responsibility, and of the ability of the inclusive theory to deliver plausible results (more so than its rivals), is the vexed question of whether society owes anything to non-wage-earning carers. Rakowski briefly considers this sort of case

in his *Equal Justice*: ‘the daughter who selflessly devotes much of her life to her parents and siblings’ (Rakowski 1991: 109). In assessing the redistributive claims of unpaid carers, Rakowski lights on the fact that carers typically identify with their choice as a reason against compensation.

However worthy some of us might deem a particular cause, and however admirable we might think its proponents, justice does not favor any creed, or aspiration, or lifestyle in allocating material goods or opportunities. Even if it would be misleading to say that people *choose* at least certain careers or endeavors – those pursuits thrust upon them, perhaps inescapable from their perspective – they nevertheless endorse the convictions that steer and motivate their efforts; they do not view them as curses they are unfortunately unable to shed, as afflictions they would rather sunder from their highest-order preferences and values. So long as they do not sincerely disapprove of the course they are following and genuinely desire to be rid of the ambitions that consign them to poverty, they have no right to assistance in fulfilling or discarding their aims. (Rakowski 1991: 109)

On the inclusive theory, however, the more fundamental aim is to find divisions of consequential responsibility that can be justified to each of those affected by them given the balance of reasons. And I think that from this broader perspective it is very much an open question whether it is reasonable to assign consequential responsibility to carers merely because they sincerely identify with that work.

So, can a plausible case be made for supporting these individuals? In what follows I am going to focus on those who fail to earn a wage because they stay at home to care for their own children. I also want to concentrate on Anderson's attempt to defend the policy of a carers' subsidy on the basis of an alleged contribution that carers make to society. But before doing so I want first to address a tendency I find on the part of Anderson to overstate her case against luck egalitarianism.

In her article, "What is the Point of Equality?" Anderson claims that luck egalitarians do not have any basis for remedying injustices that attend female dependency on male wage earners (see Anderson 1999a: 298). To be more specific, Anderson asserts that a society regulated by luck egalitarian principles would leave non-wage-earning women, who are dependent on male wage earners, 'vulnerable to domination and exploitation within the relationship' (Anderson 1999a: 324). This assertion, however, seems unmotivated. Not even Rakowski – who generally takes a hard line on these matters – claims that distributive arrangements should be based solely on people's voluntary choices and second-order identifications. There is no reason (at least, not one I can think of) why Rakowski cannot conclude that men and women are equally responsible for bringing children into the world and that, as such, carers have a right to a proportion of their partner's income in recognition of the work they do. In fact the case for recognising the work of carers in the home has often been developed through the idea that carers are entitled to a share of their partner's income or of the income of absent fathers (see, for example, Okin 1989: 180-182).

A further argument offered by Anderson for socialising some of the costs of dependent care (through a carers' subsidy) is that this might be necessary to enable women to free themselves from domination and exploitation within their relationships with men (see Anderson 1999: 324). Of course, Anderson is not alone in highlighting the difficulties faced by women in the home. In a recent article, "Democratizing Citizenship: Some Advantages of a Basic Income", for example, Carole Pateman defends basic income partly on the premise that it offers women a degree of autonomy both within the structure of the family and in their interactions with other members of society (see Pateman 2004: esp. 91, 96). But once again it is not obvious that Rakowski is committed to denying this type of argument. Rakowski can accept that the injustice of female oppression is a valid reason in favour of unconditional basic income even if he denies the further claim that carers have a right to income from society in recognition of their work as carers.

That being said, where there is a genuine disagreement between Rakowski and Anderson is on the question of whether or not carers, seen as workers in household production, have a right to subsidy from the State in recognition of the work they do as carers. Rakowski's position is that if somebody wants to take time out to care for another person, then she has no right of justice to remuneration over and above what the market (including charitable donations) would confer (see Rakowski 1991: 109). Anderson, on the other hand, believes that non-wage-earning carers have a case for public funds in recognition of the contribution they make to the economy *in addition to* any claim they

could make for a share of their partner's or absent father's income (see Anderson 1999: 324).

What is this contribution? Anderson highlights two elements. The first is that carers raise the future workers of the economy. 'As long as one doesn't plan to commit suicide once the next generation enters the workforce, one can't help but demand the labor services of future generations' (Anderson 1999: 324). The key thought here is that a child-carers' subsidy is justified because children whose mothers stay at home when they are young are more likely to be well-adjusted contributors to society, and we will depend on this fact in our dotage. In addition to this, Anderson emphasises the fact that carers free others to participate in the economy. 'Fathers would not be so productive in the market if the non-wage-earning or part-time working mothers of their children did not relieve them of so much of their responsibility to engage in direct caretaking' (Anderson 1999a: 323-4). Anderson's point here is that if society benefits from the contribution of these fathers, then it does so only because of the contribution of carers. The conclusion we are supposed to draw from these two points is that social policies which fail to recognise the contribution of unpaid carers are unlikely to secure mutual justification among those concerned (Anderson 1999: 324).

There are echoes here of a feminist critique of Rawls' difference principle. Some feminists have argued that the difference principle fails to give due consideration to the plight of non-wage-earning carers in the home by its omission of care from the list of primary goods. The methodological background is Rawls' veil of ignorance but the

argument is similar: social policies which fail to recognise the contribution of unpaid carers are unlikely to secure the hypothetical agreement of people placed under conditions of freedom and equality. Eva Feder Kittay, for example, has argued that it would be eminently rational for parties behind the veil of ignorance to agree to principles that make provision for dependant-care, and, therefore, for those who take on the work of caring for dependants.

Regardless of how we fashion our conception of the good, we would want to be cared for when we are dependent and would want to be adequately supported if we find ourselves having to be responsible for the care of a dependant. (Kittay 1997: 238)

I think that the above arguments are persuasive and not easily subsumed by existing theories of consequential responsibility. True, not every carer makes a 'choice' to become a carer in any plausible sense of the term. Many young women are brought up in an environment where that lifestyle is valued above all others and foisted upon them from an early age. Mason points out that this can be due to a combination of gender socialisation and unjust cultural norms (see Mason 2000: 243-4). Some women may even disavow the caring instinct that is instilled in them. However, even if every case can be described in this way, this gloss can capture the conviction that it is an unreasonable division of responsibility for carers to contribute to society (in the ways described by Anderson) but not receive income from society in recompense. There is a criterion of

responsibility here that is irreducible to the choice/luck distinction, and it has to do with the idea that we should not free-ride on the efforts of others.

Indeed, saying that carers are owed assistance from government as compensation for doing a job they did not choose to do, and would prefer not to do, seems a distinctly odd way to justify a carers' subsidy. If the case for government intervention relies on this argument, then presumably a far more suitable form of assistance would be to allow such women to go out to work and pay others to care for their children. Or else, to offer women counselling to help them eschew the caring-instinct they wish they did not have. This would undo the injustice that sees caring work arrogated predominantly to women. In this way, then, perhaps the choice theorist fails to apply his own criterion coherently.

The present argument for a carers' subsidy, then, is that whether or not carers choose the life they lead, others should not be permitted by the proposed division of consequential responsibility to free-ride on their efforts. Naturally, some taxpayers might try to disclaim they have ever benefited from the non-wage-earning work of carers personally. But the important factor here is that people often benefit from the unpaid efforts of others in ways that they are unaware of but might be willing to recognise if the contribution is made plain to them. However, I also need to mention at this stage the fact that there might be different beliefs about which policy gives best expression to concerns about unpaid carers in the home. Pateman notes that feminists might be expected to strongly support the introduction of basic income or a carers' subsidy, but some feminists are critical of the idea as they believe that it would reinforce the existing sexual division

of labour (see Pateman 2004: 100). In addressing the concerns of feminists, then, policy-makers may also need to attend to the institutions of marriage and the family injustice is to be eliminated. As Anderson puts, 'Equality may require a change in social norms, by which men as well as women would be expected to share in caretaking responsibilities' (Anderson 1999: 324).

Be that as it may, I also think that it would be unreasonable for feminists to ignore entirely the fact that for some people caring is a voluntary choice, and that for many carers it is something they identify with very strongly. On this point the choice theorist and the identification theorist both have a plausible case to make. It is a consequence of the inclusive theory, therefore, that these reasons must also be reflected in the policies we pursue. So how, if at all, can we marry together the reasons that support a carers' subsidy and the fact that caring is to some degree a personal choice and a matter of personal identification? One option is a policy of co-responsibility whereby the carer is entitled to subsidy, but somewhat less than would compensate her fully for her contribution in order to reflect her personal responsibility.

One more illustration of the inclusive theory which I think repays scrutiny has to do with the basic dividend argument previously discussed in this chapter. According to this argument, each person has a right to an equal share of the earth's natural resources simply by virtue of being an equal citizen of the earth. I think that this is an interesting argument, but it does invite the following criticism: why should taxpayers in general have to fund basic dividend payments for newcomers into the world, given the fact that not

every taxpayer brings new people into the world. Children are not brought into the world by factors beyond our control, but by the behaviour of specific individuals. And this raises a question of liability concerning who should pay the basic dividend for new arrivals. As Rakowski puts it:

If new people just appeared in the world from time to time, like fresh boatloads of unwitting settlers, and did not owe their birth to the actions of present members of society, then the foregoing principles [that children ought to receive a share of the earth's natural resources] would in fact come into play. But babies are not brought by storks whose whims are beyond our control. Specific individuals are responsible for their existence. It is therefore unjust to declare, as the above principles do, that because two people decide to have a child, or through carelessness find themselves with one, *everyone* is required to share their resources with the new arrival, and to the same extent as its parents. With what right can two people force all the rest, through deliberate behavior rather than bad brute luck, to settle for less than their fair shares after resources have been divided justly? If the cultivation of expensive tastes, or silly gambles, or any other intentional action cannot give rise to redistributive claims, how can procreation? (Rakowski 1991: 153)

Rakowski's argument – and it is surely a compelling one – is that it is not possible to entirely side-step reasons that favour individual responsibility by appealing to other principles of distribution, in the present case the principle that citizens have a right to an

equal share of the earth's natural resources. Having said that, I do not think we can proceed from the foregoing argument about the personal responsibility of parents to the conclusion that there should be no collective responsibility for providing the basic dividend to all new arrivals. I am not seeking to highlight the fact that in many cases it would be misleading to say of parents that they made a deliberate choice to bring new children into the world. Nor am I raising the detail that there are good reasons why we would not want officials to pursue these sorts of questions – to do with whether someone decided to have a child or did so through carelessness or some other reason – which are that these are potentially intrusive and offensive questions. Rather, my point is that there may be additional reasons that support collective responsibility even in the face of the personal responsibility of parents. Let us consider one standard reason.

One argument for asking society as a collective body to assume responsibility for guaranteeing a basic dividend for all children rests on the idea that we want all children to have equal opportunities in life. Whereas insisting on the principle that parents should bear the consequences of their own choices has the implication that children born to poor parents will end up without the same financial backing as children born to more affluent parents, the goal of giving every child an equal start in life entails that society as a collective body must step in to pay the dividend wherever necessary. This type of position is defended by Dworkin. Dworkin points out that from the perspective of the child it is a matter of brute luck to be born to affluent or poor parents. Thus, Dworkin suggests that responsibility for paying an income to poor families should be replicated on a hypothetical insurance market. The question is this: how much insurance, and on what

terms, would we as prudent guardians recommend that children purchase against the possibility of being born to poor parents on the understanding that a wage should be offered to carers without other sources of income and the cost of insurance repaid by each child at a later date on some suitable instalment plan? (see Dworkin 2000: 339).

Dworkin, then, puts the emphasis on social insurance as a practical solution to the problem of child poverty. However, it should be pointed out that on the inclusive theory some weight must still be given to the fact of personal responsibility on the part of parents themselves. Accordingly, it seems to me that reasonableness requires some form of co-responsibility. One way to achieve co-responsibility might be to say that adults who voluntarily bring children into the world are entitled to receive only *some* help from society as a whole in providing a basic dividend to these children. And if any taxpayers still have reasonable concerns about negligent parents free-riding on collective responsibility, finer adjustments to the policy of co-responsibility could be introduced to reflect the individual behaviour of parents. Had these adults taken sufficient steps to save enough money to cover an extended period without a wage? If the pregnancy was unplanned, had they taken contraceptive precautions? Now the child is here, are they taking steps to earn enough money to be self-reliant? In so far as it is right to speak of individual responsibility in these cases, these are the sorts of questions taxpayers could be entitled to ask. And if parents fail to live up to the foregoing standards, taxpayers might have reasonable grounds to reduce the level of public subsidy accordingly.

B. Smokers

The issue of who should pay the cost of treating smoking related diseases is no less complicated, but well worth investigating because the reasons in play appear to run in reverse to what has hitherto been considered in the case of income and employment. Recall from chapter 3 my point about the lack of choice exhibited by many smokers – often people take up this habit when they are young and arguably before they can be held responsible for their actions; many older smokers became addicted when there was still ignorance about the medical risks; many people remain smokers due to the powerful addictive quality of cigarettes. Taking these factors into account, the criterion of choice-sensitivity would seem to imply that very few, if any, smokers should bear the expected medical costs associated with their habit. The case for collective responsibility, on the other hand, is hard to get off the ground. Let us consider some possibilities.

It is hard to make the argument that we should collectivise the cost of treating smoking-related diseases on grounds of real security for smokers. Whilst it is true that it will give smokers real security if the costs are held in common and cigarettes are not taxed, smokers will also have this security if there is a special tax on the price of each packet of cigarettes that forces smokers to pay for medical insurance themselves. Does this mean smokers are being denied the real freedom to live as they want to? Though the costs of medical treatment are not insignificant, the burden to the individual smoker of paying a tax every time he purchases a packet of cigarettes does not seem prohibitive. Perhaps not something that is going to limit his real freedom disproportionately. The

reality is that smokers will not be any more unable to live as they wish to live in the event that responsibility is assigned individually than non-smokers will be unable to live as they wish to live if responsibility is assigned collectively. Smokers are not a special case in that sense. This means, in effect, that even if we believe that real security and real freedom should be distributed according to the criteria of sufficiency, maximin or even simple equality, it does not follow that the costs of smoking should be collectivised. It does not seem that imposing the tax would produce less real security and real freedom overall, or lead to an unacceptable distribution of real security and real freedom.

Of course, putting a tax on cigarettes could make some smokers more inclined to buy illegally imported tax free cigarettes. And this may be unfair to those smokers who choose to buy legal cigarettes. But it is difficult to move from this worry about illegal imports and fairness between smokers to the conclusion that we should not impose the tax. The fact that some people are able to escape personal responsibility by breaking the law is a practical objection that does not impugn the principle.

Why compel smokers to pay for their own insurance rather than letting them make the choice and denying them aid later? In order to answer this question it might be appropriate to appeal to paternalistic reasons and reasons to do with the public interest. The fact is that smoking can cause irreversible health problems. Even with adequate health insurance, people are more likely to be healthier and live longer if they do not smoke. And arguably it is in smokers' best interest to have insurance. Perhaps this is one instance where it is acceptable to force people to do what they would probably accept is

in their own best interest. In order to add further weight to the argument in favour of imposing the tax it should not be forgotten that the 'public interest' argument in the case of smoking has to do not just with the health of smokers themselves but also with the health of passive smokers.

All of this means, therefore, that whereas the criterion of choice (or lack of choice) supports collective responsibility, other criteria do not. So what should we do? According to the inclusive theory, our aim should be to establish a reasonable division of consequential responsibility which, in the present case, seems to entail giving some weight to the lack of choice exhibited by many smokers but also some weight to reasons that do not support public subsidy. What might a reasonable balance be like? Again, I think the answer is likely to be some form of co-responsibility. One alternative is if the State forces the smoker to bear some of the costs of the risks he takes – perhaps by way of a tax on each packet of cigarettes – but not the full costs. This means cigarette tax should be pitched to produce funds somewhat below the full cost structure. In addition to this, the State could do something to support the efforts of those smokers who wish to try and quit. Government-owned hospitals and clinics could, for example, provide subsidised nicotine patches or time with hypnotists to those who wish to try and quit. Smokers could be asked to pay some of these costs but not all.

It is perhaps interesting to compare what I have said about consequential responsibility for the costs of smoking with something Cohen – the leading choice

theorist – has written about when society should and should not subsidise the efforts of individuals who want to try to overcome their disadvantages.

When deciding whether or not justice (as opposed to charity) requires redistribution, the egalitarian asks if someone with a disadvantage could have avoided it or could now overcome it. If he could have avoided it, he has no claim to remedy or mitigation from an egalitarian point of view. If he could not have avoided it but could now overcome it, then he can ask that his effort to overcome it be subsidized . . . (Cohen 1989: 920)

I think that Cohen is right to some extent to draw attention to the issue of whether or not a person could have avoided a disadvantage he now faces (in this case smoking). But I also think the argument for helping an individual to overcome his disadvantage does not rest entirely on that issue. It seems to me that common intuitions can support subsidising the efforts of those who want to quit, even in the case of those who chose to start smoking. Let us consider some reasons.

Among the reasons for paying subsidies to everybody is that it is in everyone's best interest to help and encourage those who want to try and quit, and sometimes it might be necessary to share the costs collectively in order to achieve this end. Another reason is that it is right that we should live in a world where everybody has enough real freedom to function as a normal human being and pursue his or her own conception of the good, and arguably the fact that smokers are addicted to nicotine could mean they lack the real

freedom to do this. Subsidising their efforts to quit can be a way of giving them back this real freedom.

Yet another standard reason is that those who wish to quit do so because they disidentify with their habits and are prepared to make efforts to conquer their cravings as a consequence of that repudiation. In fact, there is evidence to suggest that Cohen himself accepts something like this amendment. In his “On the Currency of Egalitarian Justice” he suggests that, in some cases, instead of asking whether a person chose to have his cravings we can ask whether ‘he would choose not to have them if he could’ (Cohen 1989: 937). Consequently, even if we accept that some people could have done more to avoid becoming smokers in the first place, the above reasons still support some level of subsidy if they now decide they want to try to quit.

C. Dangerous activities and occupations

It requires similarly complex reasoning to decide whether a person who knowingly engages in a dangerous activity or occupation has a right to collective remedy in the event that he or she suffers an injury. Consider first those people who like to play dangerous contact sports or climb mountains at weekends or take winter skiing trips or engage in other hazardous, thrill-seeking activities. Much depends on whether commercial insurance companies offer affordable packages for these activities (including emergency rescue, short-term medical treatment, and long-term physiotherapy where necessary). But

in so far as the cost of commercial insurance is not prohibitive for most individuals, it is difficult to make a compelling case against expected individuals to pay for their own insurance themselves. To be sure, a further reason might be needed to support compulsory insurance, but on the question of who should pay, then it is hard to see beyond individual responsibility in these sorts of cases. As the choice theorist points out, injuries resulting from dangerous activities appear to be exemplary instances of bad 'option luck' (see Rakowski 1991: 79).

Some might try to argue that the presence of voluntary choice does not support imposing full consequential responsibility in these types of cases because thrill-seekers make choices but do not choose the consequences of their choices. However, in reply to those who make this argument, it can be insisted that the various contingencies that determine who is injured and who is not are an integral part of the choice of the individual who knowingly takes the risk. People may or may not have a firm idea of the exact probabilities involved. So perhaps we cannot say that they choose the expected consequences. This might be unrealistic. Nevertheless, people who take these risks do so knowing that bad things could happen, which in turn implies that the consequences should not be detached from the choice. In other words, bearing the consequences of the choice seems bound up with the choice itself.

I freely admit that the exact link between choice and consequence needs further examination – which it will receive in chapter 6 – but for the moment the key point seems to be that if people freely and knowingly choose to take risks in playing dangerous

contact sports or climbing mountains at weekends common intuitions seem to suggest that they should be willing to bear the costs themselves.

In the case of thrill-seekers, then, the choice theorist seems to be quite right to argue that the presence of choice carries a great deal of weight. However, contrary to the choice theorist, I believe that the balance of reasons slides in the opposite direction when we are talking about agents who run the risk of serious injury whilst working to protect public safety and this is what I want to investigate now.

Consider the examples of soldiers, fire-fighters, police officers, and ambulance workers. The question we must ask ourselves is this: can it be reasonable to force these individuals to bear the consequences of their choices if they are injured as a result of their work? Anderson certainly believes that the risks taken by these workers should not be interpreted as 'option luck'. She claims that not offering free medical treatment to soldiers, police officers, fire-fighters, and ambulance workers would fail the test of interpersonal justification.

It cannot be just to designate a work role in the division of labor that entails such risks and then assign a package of benefits to performance in the role that fails, given the risks, to secure the social conditions of freedom to those who occupy the role. The principle "let us be served by occupations so inadequately compensated that those in them shall lack the means necessary to secure their

freedom, given the risks and conditions of their work” cannot survive the test of interpersonal justification. (Anderson 1999: 323)

Anderson’s thought seems to be that benefits packages assigned to dangerous occupations must leave those engaged in them with access to the same level of basic functioning as those whom they are risking their health and safety to protect. The underlying argument, then, is based on Anderson’s own criterion of sufficiency of capabilities: that people are entitled to whatever capabilities are necessary to function as human beings and equal citizens.

I think that Anderson has given a plausible interpretation here of what is required, as an absolute minimum, for a reasonable division of responsibility. But also think that there are more specific reasons for collectivising the costs of medical treatment for these workers besides a general point about sufficiency. One reason rests on concerns about the lack of opportunity that makes some groups of individuals more likely to accept these types of jobs than other groups. One example of this type of concern focuses on the fact that in the United States disproportionately large numbers of African-Americans join the armed forces as compared to their white counterparts. Some might argue it is because of lack of equal opportunity and racial discrimination that many young African-Americans, especially those living in deprived areas, are left with the choice of taking these types of low-paid, dangerous jobs or else remaining unemployed. In so far as this represents an unjust distribution of background opportunities for employment, it might be unjust to

insist that individuals who do accept these jobs bear *all* the consequences themselves. An obvious policy solution would be better health care for veterans.

Another fairly obvious source of support for collective responsibility arises from the fact that everyone has an interest in real security and these workers create real security. This argument has more than one element. We can mention the real security of the workers themselves: whether or not if we insist on individual responsibility, people can engage in this work with adequate levels of real security. But we can also mention the real security of society as a whole: whether or not it is in the interests of society to insure individuals who engage in such activities. The basic idea is that we can maximise overall real security by asking society as a collective body to assume responsibility for the costs of insurance for these workers.

To be successful, this justification for holding the costs of insurance in common must have the following three elements at least (corresponding to the three elements listed in my brief description of utilitarianism earlier in the chapter): (1) that collective responsibility for the injuries suffered by these workers greatly increases their real security; (2) that it greatly increases the real security of those people whose lives and property might not be saved if responsibility is not collectivised; (3) that it very little diminishes the real security of taxpayers to pay for public assistance.

Why not let these workers pay for their own insurance themselves and maximise real security in that way? This question makes plain the fact that the above argument rests on

further empirical assumptions about what is and what is not required to induce people to accept dangerous jobs. It could be the case, in some societies, that individuals cannot be induced to work as soldiers, police officers, fire-fighters, and ambulance workers unless insurance is included in the remuneration package itself. But this does not exclude the possibility that, in other societies, it will be possible to induce people to take these jobs, even without insurance, provided the salaries are increased to a point at which they can purchase their own insurance. This is especially true if people can purchase insurance more cheaply through commercial insurers. However, even if contingencies will determine whether or not insurance must be included within the remuneration package directly, rather than accounted for in the salary, it remains the case that in order to induce people to take these jobs it might be necessary for society to assume collective responsibility for the cost of insurance, one way or the other. If insurance is not included in the package and the salary is too low, people cannot afford to buy insurance, and only the desperate will accept the jobs. This pool of individuals might not be large enough or suitable enough to protect the public.

However, even if a society votes in favour of paying these workers a higher salary rather than providing insurance directly, reasons of paternalism might still support a compulsory minimum level of insurance. Even though these workers would be free to choose where to buy the minimum level of insurance and whether or not to buy coverage above the minimum level if they wish, they would be required to buy the minimum level. This argument rests on the claim that it is in everyone's best interests (society and the individuals themselves) to live in a society where those who work to protect the public

have access to adequate medical care so that they can return to their jobs as swiftly as possible after injury. This state of affairs might be put in jeopardy if some workers end up not buying adequate insurance coverage because it is not mandatory to do so.

That being said, there is no reason why a society cannot vote to give these workers free insurance at high levels of coverage from the start. This is not to say that a society must choose to do so, rather my point is that on the inclusive theory exactly how much weight is given to the claims of these types of workers is open to democratic interpretation. On the other hand, it is also consistent with the inclusive theory if a society decides to vote in favour of finer adjustments to consequential responsibility using more sophisticated applications of the relevant criteria. Let us consider one example.

Suppose a police officer has negligently injured himself a number of times whilst protecting the public safety. The rule of thumb might be that police officers should not jump off roofs just to capture petty thieves, but he has flouted this (and other similar) elementary safety precaution on many occasions. What happens if his insurance premiums go up? I do not think that it would be unjust for a society to decide that such a worker is not entitled to additional funds to compensate him for the increase in his insurance premiums. One obvious argument could be that it does not serve the public interest for individuals to take very high risks for apparently small gains. So, justice might imply that if someone fails to take due care, then he is entitled to receive somewhat less assistance from society than those who do take due care. Indeed, the idea that levels

of remedy or mitigation ought to take account of contributory negligence is standard practice in other spheres of justice, such as tort (see, for example, Atiyah 1997: 38-43; and Cane 1999: 44-50).

On the other hand, what if the police officer is regarded as being courageous? In this case society is left with a difficult conundrum. On the one hand, the public interest might suggest that he is not entitled to additional money if his insurance premiums increase as a consequence of his exploits. On the other hand, we might think that something is awry with treating him in this way because he has acted courageously. We need, then, to recognise the distinction between dividing consequential responsibility on the grounds of the public interest and imposing responsibility on the grounds of desert. That being said, on the inclusive theory, both types of reasons are integrated into consequential responsibility. Much depends on the society in question, of course, but it is consistent with the inclusive theory to say that a person is to some extent rightly held responsible for the consequences of his actions, but at the same time does not deserve to be held fully responsible. So, it would not be unjust if a society voted not to reduce (or to reduce very slightly) the compensation given to injured police-officers on grounds of contributory negligence.

We have seen, therefore, that whereas choice-sensitivity is the operative factor when discussing the responsibility of thrill-seekers, in the case of soldiers, police officers, fire-fighters, and ambulance workers, reasons to do with equal opportunity, the public interest (with some qualifications), and desert seem to point far more in the direction of collective

responsibility. And since the foregoing arguments about reasonableness incorporate but cannot be reduced to the choice/luck distinction and facts about second-order preference identification, these examples demonstrate once again the explanatory power of the inclusive theory.

There is, however, one more complication that needs attention. The public interest is a protean notion. When we are talking about the public interest that might be served society agreeing as a collective body to pay for the insurance required by soldiers, police officers, fire-fighters, and ambulance workers, arguably we are talking about the interests of virtually every member of society and perhaps, to a large extent, the interests of people as members of the society. Soldiers who work to neutralise threats to society and its way of life protect not just the interests of private individuals but also the interests of individuals *qua* citizens. However, we need to contrast the foregoing question about insurance for soldiers, police officers, fire-fighters, and ambulance workers with the question of insurance for workers in much narrower fields of security and danger.

Consider the example mountain rescue workers. If there is a public interest argument for society assuming collective responsibility for the costs of insurance in these cases (that is, medical insurance and life insurance for mountain rescue workers), then the phrase 'public interest' picks out, at most, a special interest of some members of the public, that is, an assignable group who benefit from the presence of mountain rescue teams. This could be those who use the mountains, but it could also include those with close friends and family members who use the mountains, or even those who work for

companies and business which sell holidays to the mountains or manufacture specialist mountain clothing and equipment.

Furthermore, if there is to be collective responsibility because of the public interest argument, then this implies that the costs should be borne collectively only by those who use the mountains as opposed to society at large. This is because 'the public interest' in this case is a special interest of an assignable group. The case for sharing the costs more broadly rests on further arguments. I do not say that these additional arguments cannot be made, merely that they are required. One argument could be that people who do not benefit from mountain rescue teams should, all the same, contribute as a *quid pro quo* for benefiting from similar agencies such as the coast-guards (say). However, whether this assumption holds up will depend on each society and will not hold up if there are some people in a society who always benefit from the work of these sorts of agencies and some people who do not.

D. Natural disasters

Another set of cases worth exploring – because they further underline the explanatory power of the inclusive theory – involve individuals who knowingly choose to live and work in areas prone to natural disasters. Consistent with his views on other cases, Rakowski avers the principle that provided everyone has the same opportunity to live where they want to live, and plenty of information about the hazards associated with

living in different areas, those who choose to live in dangerous areas are rightly held responsible for bad option luck:

If a citizen of a large and geographically diverse nation like the United States builds his home in a floodplain, or near the San Andreas fault, or in the heart of tornado country, then the risk of flood, earthquake, or crushing winds is one he chooses to bear, since those risks could be all but eliminated by living elsewhere.

(Rakowski 1999: 79)

At first sight, Rakowski's interpretation of the ethics of consequential responsibility seems quite persuasive when applied to these sorts of cases. If a person is aware of the risks of living in a dangerous geographical area, but is prepared to take the gamble, surely he cannot expect others to indemnify him against disaster. Nevertheless, his interpretation has been met with criticism by Anderson.

Anderson argues that whether or not it is right to offer compensation to the victims of natural disasters must depend on some assessment of the role people play in the economy, where the economy should be regarded as 'a scheme of cooperative, joint production' (see Anderson 1999a: 321). In the present case, this entails recognition of the intimate relationship between those who live and work in dangerous locations and those who consume the products. As she puts it:

In regarding the division of labor as a comprehensive system of joint production, workers and consumers regard themselves as collectively commissioning everyone else to perform their chosen role in the economy. In performing their role in an efficient division of labor, each worker is regarded as an agent for the people who consume their products . . . (Anderson 1999a: 322)

So, what does Anderson's analysis say about those who choose to live and work near the San Andreas fault?

Rakowski argues that such residents should be excluded from federal disaster relief because they live there by choice. But they live there because other citizens have, through their demand for California products, commissioned them to exploit the natural resources in California. To deny federal disaster relief is to invoke the rejected principle above [let us be served by occupations so inadequately compensated that those in them shall lack the means necessary to secure their freedom, given the risks and conditions of their work]. (Anderson 1999a: 323)

I think that this is an interesting line of argument, but I also believe that it is more controversial than Anderson admits. For one thing, it is questionable to say the least that consumers commission producers to take risks on their behalf. Typically when consumers purchase goods (or place an order to purchase goods) they do not sign an agreement agreeing to pay for any injuries or losses the producer might have suffered (or

might suffer) in the course of production. On the contrary, most consumers simply take it for granted that producers sell goods and services at a price that includes all the costs they are likely to incur in the process of production – including the cost of insurance.

However, even if there is an implicit understanding that costs should be shared, there is an inconsistency in Anderson's description of the relationship between producers and consumers. At one point in her analysis, Anderson contrasts people who engage in production in disaster prone areas such as near the San Andreas fault, with rich people who decide to build their luxury vacation homes in these same areas (Anderson 1999a: 323n.82). She claims that producers in these cases should not have to bear the cost of insurance, because they are engaged in production and are commissioned to be there by people who purchase their products. Those who build their vacation homes in these areas, on the other hand, can with justice be compelled to pay a tax to cover the costs of disaster relief. This, according to Anderson, is because they 'haven't been commissioned by others to be there' (Anderson 1999a: 323n.82). This differential treatment seems unmotivated by Anderson's own ideal of a system of cooperative joint production, in which people collectively commission everyone else to perform their role.

To expand on this last point, Anderson sometimes depicts consumers as active participants in the economy, in the sense that they commission producers to take risks on their behalf. But then she also depicts consumers as inactive participants in the economy. When she considers the risks associated with living in disaster prone areas, Anderson claims that people who build their vacation homes in these areas have not been

commissioned by others to be there, and so they must bear the cost of rebuilding their flattened vacation homes. Nevertheless, surely if producers in California have been commissioned to be there, this is equally true of people who build their vacation homes in these areas. They have been commissioned to be there by land owners wishing to sell as well as by property agents, construction companies, suppliers of building materials, local shops and by people offering to clean swimming pools in the area. In which case, surely it would be more accurate to say that consumers and producers play an equally important role in the economy, which in turn implies that if society has any special duties in respect of insuring people in hazardous geographic locations, then the duty applies equally to consumers as well as producers.

In addition to all this, I think that reasonableness demands at least some policy recognition of the quite correct point, insisted on by Rakowski, that living and working in these areas is a voluntary choice. This countervailing reason cannot just be ignored. In the ends, therefore, the inclusive theory has the implication that responsibility for the costs of insurance should be shared between those who live and work in hazardous geographical areas and those who do not. This implies that if people voluntarily choose to live and work in areas prone to natural disasters, then they should have access to some level of subsidy for the higher insurance premiums they face, but must bear some proportion of the higher costs themselves in so far as the risks they have taken are voluntary risks. Of course, this would not apply to those groups of people who are forced onto hazardous land because others have stolen their own land.

Once again, however, finer adjustments to responsibility are also consistent with justice. For example, whilst it might be reasonable to hold some costs in common, it may not be in the public interest for people to take just any risks and expect others to fund compensation through general taxation without taking into account the amount of risk that has been taken. In so far as a compelling case can be made for pooling risks, therefore, it is plausible to say that any level of subsidy should be sensitive to the following co-responsibility proviso: that both producers and consumers take precautions to reduce the risk of injury and destruction of property. It is consistent with this proviso to say that some geographical areas are so often ravaged by natural disasters, where the cost of relief and reconstruction are so great, and where precautions are so difficult and costly, that it is reasonable to expect people to avoid living and working in these areas altogether. Those who then decided to flout these prescriptions would certainly have a claim to a much smaller percentage of their costs (if any) in the event of disaster than those in other areas. Again, the exact amount would depend on voters.

E. Expensive tastes

It has been in the context of finding dimensions of interpersonal comparison that can be used to specify what citizens' claims are when questions of distributive justice arise, that some writers have discarded welfare as possible grounds for redistribution. As previously outlined in chapter 4, Dworkin thinks that one reason why it is right to force individuals to bear the consequences of their own expensive tastes is because they

typically identify with those tastes. Cravings and obsessions, on the other hand, with which people do not identify, are treated as psychological handicaps and are compensable on grounds of bad luck. Contrary to Dworkin, however, I think there are other reasons that support public subsidies even for expensive tastes that people do identify with. Moreover, I do not think these reasons are exhausted by the sorts of cases highlighted by Arneson and Cohen in which the taste or preference is itself unchosen. (In these cases people are victims of bad luck in the sense that it is part of their constitution that they happen to dislike the cheap staples of their society.)

It seems to me that it is possible to make a case for subsidy for expensive tastes on the basis that the expense of the taste is not something that lies within a person's control whether or not it is itself unchosen. Even if people typically identify with their tastes and preferences, very rarely do people with expensive tastes identify with their tastes because they are expensive. This is why Louis is an unusual case. Whilst it seems to destroy the point of Louis' tastes for society to give him free champagne, this is far from obviously the case for other types of expensive tastes and preferences. My belief that I should eat organically grown foods, my conviction that I have a duty to visit Mecca, my passion for saving rare types of buildings, my preference for opera – all these tastes and preferences are developed by me on the basis of my thoughts and feelings about what is important in life. The fact that they are expensive to satisfy here and now in my society is not intrinsic to why I identify with them and, what is more, the various factors of supply and demand which make them expensive lie entirely beyond my control. Even if we assume that I had control over the development of these tastes and preferences and that, even now, I would

not choose to take a free and harmless pill to get rid of them, it does not follow that they are uncompensable.

At this point, the reader might well ask: where does the inclusive theory fit into all of this? This is because the foregoing points seem to follow from the choice theory, if applied consistently. If we take the choice/luck distinction seriously, then the fact that I suffer from bad luck in supply and demand warrants some level of redistribution in my favour. However, I think that the inclusive theory can add further layers of sophistication to the analysis of expensive taste examples. This is because other reasons (besides the fact that people with expensive tastes suffer bad luck) might support a level of collective responsibility for the cost of satisfying expensive tastes.

Most people think that real freedom of consumption is an important part of life and some may even believe that what matters most is happiness and preference satisfaction. From here it is not a great distance to the claim that justice requires that we try to suffice, maximin, or even maximise real freedom of consumption and/or welfare. Furthermore, in some feasible scenarios, in order to achieve one or other of these outcomes it might be necessary for society as a collective body to pay subsidies to people with expensive tastes. I suspect that these principles of social responsibility are more controversial than others we can think of, but they are far from being counter-intuitive or beyond the pale.

Bringing these points together, the mere mention of the fact that people typically identify with their tastes and preferences does not make it bizarre to offer compensation or subsidy. Nor does this fact automatically banish diametrically opposed criteria from the debate – criteria which support public subsidies designed to achieve a better distribution of welfare and real freedom within society. So, in the end, there are plenty of reasons that do support public subsidy even if the criteria of choice-sensitivity and preference identification do not.

Assuming, therefore, that it is right to give all of the aforementioned reasons some degree of weight, co-responsibility is a way of achieving a balance between the reasons. There may be a range of co-responsibility policies, but one obvious policy is that if an agent develops expensive tastes and is unable to satisfy his tastes fully as a result, he will be entitled to receive some subsidy from society but somewhat less than would enable him to satisfy his tastes entirely. This strategy reflects both the reasons that point towards individual responsibility and the reasons that point towards collective responsibility. According to the inclusive theory, the exact level of co-responsibility is rightly a matter for democratic decision-making.

F. Access to university education and lifelong learning

Thus far I have commented very little on the interest in possessing opportunities. One sphere where this interest has obvious application is education. Consider first the

vexed question of tuition fees for university students. One feature of the popular justification for asking students to take out loans to cover the cost of tuition fees and living expenses is that, on average, graduates earn more than non-graduates. This argument is, of course, contingent on circumstances. Higher education is a gamble that does not always pay off: not everyone earns more as a result of going to university. Nevertheless, the choice theorist will argue that if a person freely decides, in the light of all the information, to risk student debt in gambling for increased future earnings, then he or she has no right to compensation if the gamble turns out to be a bad one. This is just bad option luck. However, one possible way to make a case for pooling the costs of a university education across society as a whole is by focusing on the criterion of equal opportunity.

The criterion of equal opportunity most obviously comes into play where some people are less likely to take the university gamble because they come from poor families. Perhaps they are less likely to take the gamble because without financial backing from parents they are forced to take on larger debts and, what is more, they have little hope of a financial safety-net if the gamble does not pay off. At first glance, these pre-university differences are examples of compensable brute luck. The crucial point is that even if we view the contingencies that determine people's economic fortunes once they leave university as a matter of 'option luck' and, consequently, the responsibility of the individual, the contingencies that determine people's economic fortunes before they enter university (that is, the size of the gamble they are faced with) cannot easily be glossed over in the same way. There may be more than one appropriate conclusion to draw from

all of this, but certainly one conclusion is that differences in family wealth are unacceptable obstacles to university entry and so we should mitigate some of the costs of poorer students.

Another educational sphere where it might be unreasonable to impose full consequential responsibility on individuals is adult education (or lifelong learning). To see this point, consider two different policies for distributing educational resources and opportunities. One policy aims to offer every child, at the public expense, educational resources and opportunities so that when they reach the age of 16 they have the chance of sitting for formal or vocational qualifications and performing well enough to get a job or attend university. Beyond this point, however, there would be no further requirement to offer educational resources and opportunities. Although some people make full use of the resources and opportunities offered and obtain good results, and others are less willing and either do not sit for the qualifications or put in such little effort that they achieve extremely poor results, under the proposed policy there is no further distribution of educational resources and opportunities, even if the second group of individuals later regret their earlier behaviour and would like to have a second chance. In contrast to this, a second policy offers people lifelong opportunity for learning. As before, educational resources and opportunities are distributed in such a way that every child has a chance of gaining good qualifications at the age of 16. Nevertheless, even if some children fail to grasp their opportunities whilst at school – including not sitting for any exams, and sitting exams but not putting in any effort – they still have access to free education and training later on in life, should they so desire.

Reflecting on the choice between these two policies highlights the fact that there are two ways of being sensitive to individual responsibility. One issue is whether or not we should be concerned to ensure that everyone achieves the same outcome or simply that they have equal opportunity. In this case we want to know if individuals have a right to a job or a university place, or, on the other hand, a right to the opportunity to acquire qualifications that will enable them to secure a job or a university place. A second issue is whether people should enjoy equal opportunity just once during the course of their lifetime or at recurrent intervals. In the present case we want to know if individuals should have the right to additional educational resources and opportunities if they fail to make good use of them the first time around. The first issue has to do with the distinction between outcome and opportunity. The second issue has to do with the longevity of opportunity. Whilst the first policy described just now is responsibility-sensitive in both these senses, the second policy is only responsibility-sensitive in the first sense. So which policy is best?

To answer this question it is well worth considering a recent debate between two leading lights of the British Labour Party (old and new). In July of 1996, Roy Hattersley wrote a piece in *The Guardian* advocating equality of outcome as a goal of social justice. In his reply to Hattersley in the August of that year, Gordon Brown dismissed equality of outcome as ‘impossibilism’, and argued instead for ‘opportunity for all’. Brown may have wanted to ally himself with egalitarian thinking at that time which, due to the work

of Dworkin and others, had become responsibility-sensitive. Nevertheless, Brown's idea of opportunity for all is responsibility-sensitive only up to a point:

In contrast to Roy Hattersley's unattainable version of equality of outcomes, I propose a maximalist version of equality of opportunity which is both desirable and possible. A maximalist equality of opportunity is not the old-style equality of opportunity, the one-off, pass-fail educational chance until 16 at school that if lost means a lifetime of failure. The equality of opportunity I support is recurrent, lifelong and comprehensive. (Brown 1996: 13)

I think that there is something compelling about what Brown says in the foregoing passage. Why so? One reason to reject a policy of one-off, pass-fail educational opportunity is that children cannot make responsibility-attracting choices: that a child cannot be held responsible for the rest of his life for mistakes he made when he could not understand the consequences of his actions (see Barry 2005: 136-7). In addition to this, however, I think that it is well worth examining what would or would not be a reasonable division of responsibility (in terms of who should bear the costs of adult education) from a broader perspective; broader, that is, than the narrow issue of whether or not young people can be said to 'choose' not to make an effort at school.

This broader perspective is necessary in order to reflect common disagreements about what are reasonable and just divisions of social responsibility. On the one hand, the uneducated adult says that it was not his fault that he did not work as a child. He should

not be held responsible for the consequences of his childhood errors, he did not make a genuine choice. Yet in reply to this the educated high-earning taxpayer says that he should not have to pay for the mistakes of others, that he deserves to reap the rewards of his own hard work. Why should others free-ride on his efforts? In order to judge whether the disgruntled taxpayer has sufficient grounds on which to reject a proposal to collectivise the costs of lifelong learning, we also need to compare how onerous it is for taxpayers to have to pay for other people's education with just how onerous it is for individuals who fail to make good use of their opportunities at 16 to be denied a second chance. In short, we need to do some utilitarian thinking on this issue, weighing up the benefits and burdens on both sides.

For those on the political right it scarcely needs mentioning that adult education is not cheap and that the cost to the taxpayer is far from negligible. But clearly there is also much at stake for those who failed at school the first time around. A good set of qualifications and/or work-related training offers individuals not only the ability to earn a decent wage but also the possibility of self-respect and a degree of real freedom to pick and choose what type of employment to accept. There may be a social stigma attached to lacking skills and qualifications that causes feelings of shame. The financial burden of adult education, when imposed on those who need it most, can also be very great. Indeed, it is not just the initial cost of an educational course or training programme that needs to be taken into account. The opportunity cost of taking time off work to study can also make it very difficult for low-earners to pay for their own education. People can, of course, borrow money for this purpose. But this gamble, like that of a university

education, might not pay off. And this may cause some individuals not to make the effort, which might in turn harm the economy by reducing competition for jobs. The upshot of all this is that it might be just from a utilitarian point of view to collectivise the costs of adult education where this is justified in terms of the goal of maximising the overall amount of self-respect, real freedom, and wealth in society.

If asking people to pay for their own education is unjustifiable from a utilitarian point of view, it is even worse from a prioritarian perspective. Prioritarians believe that burdens are more problematic if they fall on those who already worse off and this seems to be the case with adult education. Not only is the bare cost of adult education likely to be greater when imposed individually rather than collectively, but also the moral significance of that cost is greater when imposed individually because it is imposed on those who are already the least advantaged in society. And so the criterion of weighted utilitarianism (that is to say, prioritarianism) might well support lightening the burden on individuals for the cost of adult education so that the least advantaged can benefit from education later on in life.

Despite all of these points, however, there may still be reasons on the side of taxpayers against holding these costs fully in common. One reason is the proposition that for some people not doing well at school the first time around was a choice. Another reason is that even if we accept the principle of priority to the least advantaged, this does not mean that benefits to the worse off could not be outweighed by sufficiently great benefits to everyone else. There may come a level at which subsidy for lifelong learning

is no longer in the general interest. Consequently, according to the inclusive theory, a reasonable policy might be to share responsibility between those individuals who want to return to education and society as a collective body.

One obvious policy is that if an individual decides to go back into education later on in life, he will be entitled to receive some subsidy from society but somewhat less than would enable him to return to school without any cost to himself. Once again, finer adjustments could be appropriate as the costs change. So, for example, as the costs of subsidy increase and the benefits to society of adult education decrease so the public interest argument for subsidy becomes less powerful. Even so, it is consistent with justice that the exact level of subsidy depends on the democratic decision-making of each society.

Let us take stock of the chapter so far. My aim in introducing the many examples discussed above has been to motivate the inclusive theory as a necessary and plausible approach to concrete examples of responsibility attribution. I have tried to show that justice requires a broad understanding of what is reasonable, rather than a formal distinction such as between choice and luck. Whilst formal distinctions can play a part, there is much else besides. And the inclusive theory is the only theory to account for all the many complexities that we have seen. That being said, in order to make good my case for the inclusive theory I need to consider some possible replies on behalf of the choice theorist, and this is exactly what I intend to do in the now.

5.5 REPLIES: THE CHOICE VIEW AGAIN

One strategy open to the choice theorist might be to insist that the inclusive theory does not have a monopoly on co-responsibility outcomes. He can remind the reader – quite correctly – that, on his view, voluntary choice is a matter of degree, and since choice is a matter of degree, responsibility must also be a matter of degree between individual and collective responsibility (see, for example, Cohen 1989: 934). Perhaps in the end the proportions will be on par with the inclusive theory.

My response to this manoeuvre is to stress that despite what the choice theorist says, it is still consistent with his view for responsibility not to be shared at all. On his view, the genesis of a person's misfortune could be entirely down to voluntary choice or entirely down to brute luck. And so, responsibility could in principle be assigned entirely to the individual or entirely to society as a whole. This means that the outcomes delivered by the choice theory could be at variance with the inclusive theory and, more importantly, with common intuitions. However, even if the genesis of personal misfortune is mixed in every case, my second response is that the choice theorist still does not arrive at co-responsibility for the right reasons in those cases. If by chance the choice view does frequently deliver some form of co-responsibility outcome, its justification for that outcome will inevitably be incomplete because it trades on an impoverished theory of the reasons in play; or so I think.

Of course, at this point the choice theorist could try to attack the inclusiveness of the rival theory both in terms of the type and sheer number of reasons brought in. He could suggest that the alleged counter examples confirm merely that responsibility (understood in terms of the choice/luck distinction) is not the only thing that matters in disputes over distributive justice and not that his is the wrong theory of responsibility. In other words, the choice theorist could stick to his view that questions of consequential responsibility are rightly resolved in terms of the choice/luck distinction by asserting that the various reasons introduced above are separate from the question of responsibility properly construed. He is not required to refute that these are reasons of justice. He need only deny that they are appropriately introduced and dealt with under the heading 'responsibility-attribution'. According to this reply, the inclusive theory is not a theory of consequential responsibility at all but a tangle of different norms and values that should in fact be kept apart.

Some might wonder if this second reply is splitting hairs. If both sides of the debate accept that ultimately more than one value should be weighed on the scales of egalitarian justice, does it really matter whether responsibility is defined purely in terms of choice rather than more inclusively? But I think that it does make a difference how we analyse consequential responsibility and, furthermore, that the inclusive theory is the correct theory. The inclusive theory allows us to say of someone who does not earn a wage from her work as a carer, for example, that she cannot reasonably be held fully responsible for being poor because her poverty flows partly from the fact that others free-ride on her efforts (she does a socially beneficial job that is unremunerated in the free market). From

a moral point of view it is not entirely her fault that she is poor. The choice theorist, by contrast, is likely to have to say that whilst she is responsible for being poor because she chose to be a carer, she is nevertheless entitled to funds which reflect her contribution to society. This reading of her responsibility seems to me to be misleading and so I favour inclusive responsibility. The merit of the inclusive theory is that it allows us to attribute or waive consequential responsibility on the basis of a *full* normative description of a person's situation.

A third possible reply focuses on the balancing act embodied in the inclusive theory. The choice theorist might claim that the inclusive theory is inferior because it relies on potentially irresolvable disputes about how the competing factors should be weighed and so cannot deliver determinate pronouncements about responsibility. Now, I freely admit that a range of outcomes will be consistent with the inclusive theory in any given case. But it is worth briefly mentioning that even on the choice view there may be difficulties in arriving at determinate outcomes. These difficulties are epistemological: there are limits to our knowledge of metaphysical facts. So, at first glance the choice view appears to have an advantage in the fact that it is non-judgmental about how people should behave and instead relies on non-moral metaphysical facts about choice and luck. Yet there is no saying that these metaphysical facts will be any less controversial than the moral judgements involved in the inclusive theory.

However, even if the inclusive theory does deliver looser judgements than its rival, a further point that needs to be made clear is that this is not necessarily a reason to reject

the theory as false. In order to motivate this counter argument, I want to pick up on an argument recently developed by Dworkin in response to Cohen. In his work on the currency of egalitarian justice, Cohen has argued that developing fair assignments of consequential responsibility is rightly viewed as a metaphysical enterprise and, moreover, that holding individuals responsible for the consequences of their actions is incompatible with the philosophical theory of hard determinism. According to Cohen, to the extent that hard determinism is true, no person should be held responsible for differential advantage (see Cohen 1993: 28; see also Arneson 1989: 86). As he ironically puts it: 'We may indeed be up to our necks in the free will problem, but that is just "tough luck"' (Cohen 1989: 934). Dworkin, however, rejects this suggestion. He maintains instead that people commonly accept responsibility for outcomes that reflect their personalities and they do so without assuming they have full control over the content of their own personalities (see, for example, Dworkin 2000: pp. 6, 294). Indeed, according to Dworkin:

The distinction between choice and circumstances is not only familiar in first-person ethics but is essential to it. We might think ourselves persuaded, intellectually, of the philosophical thesis that people have no free will, and that we are no more causally responsible for our fate when it is the upshot of our choices than when it flows only from a handicap or from society's distribution of wealth. But we cannot lead a life out of that philosophical conviction. We cannot plan or judge our lives except by distinguishing what we must take

responsibility for, because we chose it, and what we cannot take responsibility for because it was beyond our control. (Dworkin 2000: 323)

I think there is something importantly right about what Dworkin says about the problem of free will. What is right is that our common sense understanding of consequential responsibility does not appear to presuppose any contested metaphysical assumptions about free will but is, instead, a normative conception. And if this is the case, then it is the inclusive theory that has an explanatory advantage over the choice view and not *vice versa*.

I have now considered three theories of consequential responsibility based on the criteria of the choice/luck distinction, personality, and reasonableness respectively. In chapters 3 and 4 I tried to motivate the claim that the first two theories are too crude to bear the weight of our common intuitions in respect of the examined cases, and that to explain these intuitions we must appeal to a broader range of criteria than choice, luck, and second-order preference identification. A number of additional criteria have been outlined and defended in chapter 5. Furthermore, I have endeavoured to show that in many concrete cases reasonableness has the implication that responsibility should be shared between individuals and society as collective body. In addition to this, I have also

attempted to establish the point that democratic decision-making is indispensable to realising determinate policies in this area.

6 INDIVIDUAL RESPONSIBILITY AND THE GOOD LIFE

Thus far the discussion has focused on theories of consequential responsibility that focus exclusively on justice. I have argued that whether, and to what extent, it is just to hold individuals responsible for their own disadvantages depends on whether this division of responsibility is reasonable understood in terms of what can be justified to those concerned taking into account their interests. At this stage in the argument, however, I might face the objection that my analysis has ignored other grounds for imposing (or not imposing) consequential responsibility which, though not desiderata of justice, might nevertheless be important. One potential point of departure from justice-centred theories of responsibility is the idea that responsibility is a part of human flourishing. A second potential point of departure is the idea that people have a moral obligation to assume responsibility for their own lives. A third potential point of departure is the idea that holding individuals responsible for the consequences of their choices can be desirable because of the intrinsic moral value of autonomous choice. The aim of this chapter, then, is to explore whether justice is an absolute value in relation to these other moral concerns.

6.1 HUMAN FLOURISHING

True, most people care a great deal about justice, and sometimes this means that people should be held responsible for the consequences of their actions. But I suspect that most of us would feel at least a little bit concerned about holding a person responsible for his

past mistakes if this meant that he would be unable to live a flourishing life in the future. We might feel this moral concern even if we accept that this outcome is just. On the other hand, some people associate the need to hold people responsible for their own success or failure directly with human flourishing. They find it obvious that people should be encouraged to assume greater personal responsibility for what happens to them, and be praised for doing so, even where justice does not demand this of them, because assuming individual responsibility is part of a good life.

The question we must ask ourselves, therefore, is this: under what circumstances, if any, is it right to impose (or to not impose) consequential responsibility in order to pay heed to human flourishing? Before addressing this question, however, it is worth pausing to clarify what people mean by 'human flourishing' and how, more precisely, it can be linked to individual responsibility.

I. Individual responsibility as a virtue

There are different ways of defining human flourishing, but one standard way is in terms of virtue. Virtue is among the most common moral concerns that people associate with consequential responsibility. This has something to do with justice but not everything. Virtue can provide an obvious reason of justice not to impose responsibility. In the case of a person who risks his life to save others, some might argue that he does not deserve to be held responsible for the consequences of his virtuous imprudence. But

virtue can also provide a reason in favour of individual responsibility quite apart from concerns about desert and justice. On a theory of human flourishing that associates the good life with the virtuous life, it is relatively simple to see why individual responsibility might be viewed as a part of a good life. This is because individual responsibility is frequently described as a virtue that it is good for persons to have (and to exercise) irrespective of justice.

Consider the example of public dependency, that is, dependency on the state. What is, to some people, particularly disturbing about public dependency is not so much the fact that this situation is unfair on taxpayers, but what it says about, and does to, the moral character of the person who is dependent. On this view, self-reliance is not simply a characteristic feature of individual responsibility but also a character trait that some people deem to be a virtue. This argument is less concerned with the assessment of actions in terms of whether or not unemployment is a voluntary choice and more with the character of the agent who allows himself to be dependent on others. The Victorians, for example, condemned the Poor Laws for fostering a range of vices (imprudence, intemperance, over population) but at the heart of the criticism was a concern for a breakdown in the virtue of self-reliance, one of the virtues that make a good person good. One develops a virtue such as self-reliance by acting as a self-reliant person does. And the Victorians believed that the Poor Laws prevented individuals from acting in this way.

II. Individual responsibility as what comes naturally

Another way of theorising human flourishing is in terms of what comes naturally. There are many instances in ordinary moral discourse where 'good' is identified with 'what comes naturally' and individual responsibility understood in terms of self-reliance appears to be one of them. According to this interpretation, self-reliance is a natural disposition that can be subverted by human intervention, such as through the provision of social welfare.

Even as recently as 1979 the election manifesto of the Conservative Party made its case for reform of the Welfare State by laying claim to a basic human impulse towards self-reliance. 'We want to work with the grain of human nature, helping people to help themselves – and others. This is the way to restore that self-reliance and self-confidence which are the basis of personal responsibility and national success' (quoted in Goodin 1998: 336). Perhaps the philosophical principle underpinning this manifesto pledge is that human beings characteristically and essentially rely on their own powers to meet their needs – they forage, hunt, produce, or else trade their talents in order to obtain what they need to survive, and they decide how, and when, to do these things, and what degree of effort will be required and for how long. On this analysis, therefore, to be dependent on government even though one is capable of looking after oneself is an experience that both corrupts recipients and alienates them from their natural human tendencies.

6.2 INDIVIDUAL RESPONSIBILITY AS A MORAL OBLIGATION

A further way in which individual responsibility might be seen as part of the moral fabric of our lives has to do with the idea that assuming responsibility for our own lives is a moral obligation of healthy adults. To whom or what are individuals obligated to work to support themselves? In some cases it might be appropriate to speak of a person having a special obligation to government to try to be self-reliant. Consider, for example, a scheme in which those who are unemployed and receiving benefits are required to meet with welfare officials to discuss future employment and agree upon a regime of job-seeking behaviour.

Even so, it might not be an exaggeration to say that individuals have an intrinsic moral obligation to work; which obligation is not dependent on any voluntary agreement a person has entered into. Perhaps the most unambiguous example of this line of reasoning can be found in the moral theory of Locke. Locke believed that each person has a moral obligation to support himself through work wherever possible, which obligation is owed not to Kings, or even to fellow citizens, but to God. He argued that since our continued existence is due to God, we have an obligation to preserve our lives in a way that God intends and God intends healthy adults to work on the land and be self-reliant (see Locke 1988: 291).

How do we know this is what God intends? Locke thought that the natural ends or purposes intended for humanity are written large in the nature of things and are

discoverable by human reason. Hence, Locke held that it would contradict the idea of a wise Creator to suppose that human beings, who are blessed with the capacity for useful labour, are not obligated to make good use of this capacity and preserve themselves through their own labour (see Locke 1988: 291). Consequently, Locke believed that for those who are not elderly, sick or disabled, the true and proper relief of poverty consists in setting the idle to work (see Locke 1993: 452).

6.3 THE INTRINSIC MORAL VALUE OF AUTONOMOUS CHOICE

A third potential point of departure from justice-centred theories of responsibility is a general point about the intrinsic moral value that we often associate with the exercise of autonomous choice. There are some standard examples of this that I want to explore in this section.

As mentioned in chapters 4 and 5, some writers believe that it is right to expect individuals to adjust their likes and dislikes in the light of the resources they have available to them on grounds of justice. However, an alternative argument for the same conclusion is that it is good for a person to exercise his autonomy in this way. Precisely this argument can be found in Bruce Landesman's article, "Egalitarianism". In the article, Landesman considers Rawls' suggestion that in a just society it is the responsibility of the individual to adjust his or her personal ends over time. Landesman claims that not only is this outcome just, but also 'morally sound'. He points out that part

of this process of adjustment is taking control of personal ends and altering them to fit changing circumstances. Furthermore, it is, according to Landesman, 'a part of a person's good to do this, an aspect of his autonomy and self-determination' (Landesman 1983: 36). Thus, if learning to revise one's personal ends in the light of circumstances (or else delay gratification) is part of a person's good, then allowing individuals to rely on taxpayers to satisfy their expensive tastes would be, as Landesman puts it, 'morally inappropriate' (Landesman 1983: 36).

The claim that it is part of a person's good to adapt his personal ends over time is further illustrated by obsessions and cravings. Consider again people who fall into a lifestyle of drug misuse, among the consequences of which being that they are no longer able to control or conquer their cravings for drugs. I concluded my discussion of these cases in the last chapter by saying that even if these individuals should pay some of the cost of any medical treatment they might need, and at a higher level than other people, it is unjust to force them to repay all the costs.

The question remains, however, why it is more appropriate to offer treatment programmes for these people rather than offering some form of compensation. Why not simply subsidise their cravings like other expensive tastes? To see why this would be an inappropriate response, if not an unjust response, we need some other norm or value. I think the most natural way to think about these cases is in terms of the ideal of autonomy and self-determination. To the extent that we really care about individuals being able to control and adjust their personal ends, as opposed to being in the grip of obsessions and

cravings, it makes far more sense to relieve the underlying problem than to mitigate it. It can be viewed as intrinsically good, therefore, for individuals to be able to adjust their likes and dislikes in the light of changing circumstances, and for those likes and dislikes not to get out of control.

The value of autonomy is not limited to the ability of agents to develop and adjust their personal ends. It is possible to develop a similar line of reasoning in various other spheres of choice, agency and adaptation. One example is the labour market. Principles of supply and demand determine not simply the relative expense of different sorts of products, but also the relative value of different sorts of skills. Some skills are more in demand than others and at different times. The labour market, then, offers another arena in which individuals are faced with the challenge of adapting to changes in the circumstances of supply and demand. If a person is unemployed or has been made redundant because his skill set is no longer valued, then he may have to change his skills in order to find an alternative type of employment. And some might argue that it is good for individuals to exercise this human capacity to do so.

Economic gambles are another example of autonomous choice-making that we value. Individuals are often faced with choices that have uncertain outcomes: whether or not to attend university is one such gamble. In the previous chapter I suggested that justice is not served by forcing individuals to bear all the consequences of bad option luck. Nonetheless, some might argue that allowing individuals to exercise autonomous choice in such matters and holding them responsible for the consequences is an important feature

of a normal human life and should be valued. In which case, government should not intervene to mitigate bad option luck.

There is a general point here about the proper role of the Welfare State. Historically, critics of social welfare provision have argued that social assistance can be as bad for recipients as it is for those who have to fund it. It has been argued that social welfare policies often fail to offer individuals the space to exercise their autonomy. In fact, the charge of paternalism has been a major source of criticism against social welfare policy ever since the Poor Laws of England were introduced. In his *Principles of Political Economy*, for example, J. S. Mill warned against the ideal of protection implicit in the Poor Laws. Mill rejected the implicit assumption that the privileged and powerful classes should think for the poor and take responsibility for their lot *in loco parentis* (see Mill 1994: 132).

Many share the same anxiety about the modern Welfare State. According to David Willetts, for example, Conservatives believe that the care of the poor should be undertaken by them; that how they make their way in life should be influenced by their own reflections and not those of the State. 'The job of the welfare state is to help the family but not to take over so many of its functions that we become, in effect, married to the state' (Willetts 1992: 149). For conservatives, then, the paradox of the Welfare State is that it provides money to people so they can exercise autonomous choice, but in fact achieves the opposite result. When people become dependent on this money, they no

longer take decisions about how they are looked after and, therefore, they lose a degree of control over their lives.

It appears, therefore, that in as much as we value personal autonomy, we have reason to hold individuals responsible even for the failures of their own lives. But what, more exactly, is the link between the two? Is it possible, for instance, to value autonomous choice but at the same time deny that holding individuals responsible for their autonomous choices is valuable?

One argument that suggests this may not be possible takes as its starting-point the premise that autonomous decision-making typically involves sensitivity to possible outcomes and at least some degree of deliberation over those outcomes. It is further assumed that autonomous activity is valuable partly because of this deliberation. The conclusion of this argument is that it is arbitrary to say, on the one hand, that it is good for a person to deliberate over possible outcomes, but, on the other hand, not good for him or her to be held responsible for the actual outcome. As George Sher puts it:

Since choices encompass both acts and consequences, any value that attaches to the implementation of choice must belong equally to both. If someone did not have to live with the predictable consequences of his choices – if he were able to go through the motions of deciding what to do, but was invariably shielded from his actions' easily foreseeable results – then he would have only a semblance of freedom. His "autonomy" would be worth little; and if ours is worth more, it is

only because we do inhabit a world in which choices have consequences. (Sher 1987: 40)

Sher considers the foregoing argument in the context of examining an 'expected-consequence' account of desert. In the end he concludes against this account of desert on a number of different grounds including the fact that some results are so disastrous that a person cannot plausibly be said to deserve his fate, even if the results were foreseen, and the fact that morally virtuous individuals, engaged in acts of self-sacrifice, do not deserve bad outcomes (Sher 1987: 45-46). I do not know whether Sher is right about desert, but that is not my concern here. At present, my aim is merely to highlight the fact that other reasons besides justice can support individual responsibility. And I believe that this is exactly what has been shown. If we value autonomous choice, then we should also want to live in a world where individuals are held consequentially responsible for their choices.

6.4 VALUE CONFLICT

In this chapter I have tried to motivate a pluralistic view of the value responsibility. However, once we adopt a pluralistic view of the value of responsibility, we open up the possibility of value conflict. Consider some examples.

In chapter 5 I argued that it might be reasonable (and in that sense just) to support even those individuals who choose to engage in non-wage-earning work. I argued that it

can be reasonable to subsidise at least some expensive tastes. I also argued that it can be reasonable to help the victims of bad option luck. However, if we think that individual responsibility is a virtue and that exercising autonomous choice is important, then we may regard these results as morally undesirable. Perhaps it is morally desirable for individuals to adjust their personal ends; for people to exercise their capacity for work and self-reliance and, therefore, to accept whatever jobs are available to them at any given time; to hold individuals responsible for the consequences of the risks they freely take even when those risks turn out badly.

Value conflict does not end here. In some cases it is justice that supports imposing consequential responsibility on individuals even though other values support holding responsibility in abeyance. To see how such cases might arise, one only has to reflect on the affect that holding individuals responsible for things that they have done in the past might have on their capacity to assume responsibility in the future.

The problem of drug use is one obvious example. Suppose someone has fallen into a lifestyle of heavy drug use, among the consequences of which being that he can no longer afford to satisfy his cravings or control them. Let us suppose that he has caused the situation in which he now finds himself. He may not have chosen to ruin his life, but let us assume for the sake of this argument that his negligence alone in becoming hooked on this way of life warrants this judgement. What should we do? Justice would appear to suggest that since he is responsible for the mess in which he finds himself, it would be unfair to force taxpayers to pay for his mistakes. Even if we say on grounds of

reasonableness that he should not be held entirely responsible for the consequences of his actions, it still seems as though he should pay a significant proportion. This has to do with giving some weight to choice-sensitivity.

However, suppose we believe that taking control of one's own personal ends is an essential part of what it means to lead a good life. Taking this into account, we may decide instead not to abandon the addict to his stupor; we may decide that he should have access to specialist care and therapeutic treatment for his addiction. The basic thought is that if we wish to see him recover his capacity for responsible agency, in the sense of conquering his addiction and taking responsibility for his desires and desire satisfaction, at least some taxpayers' money should be spent on the relevant assistance to get him back on track. It looks as though there is a conflict of values. On the one hand, we may want him to recover his self-control. But on the other hand, we may also want to uphold the demands of fairness and this implies that we should not force taxpayers to pay for his treatment.

There are plenty of other familiar examples of this sort. Think of Anderson's case of the uninsured negligent driver lying injured at the side of the road (see Anderson 1999: 295-6). Do we seriously believe the ambulance should leave the man where he is once it has been ascertained that he was responsible for the accident and has no insurance? Surely not. Imposing consequential responsibility on him now may result in his being unable to act more responsibly in the future. (Anderson would object on the grounds of sufficiency of capabilities). However, we must not ignore reasons of choice-sensitivity

which say he should at least bear some of the consequences/costs. This, then, is a responsibility-responsibility dilemma. If we assist everybody regardless of the cause of their suffering, then we protect people's future responsibility and the values of autonomy and human flourishing embodied therein, but we also unfairly ignore the fact that some people are responsible for the situations in which they find themselves. But if we do not offer assistance, then potentially we are upholding fairness at the cost of not protecting his future responsibility.

Now some may suggest the following solution to these difficulties. The State could make it a legal requirement that people who run certain types of risk are required to buy a minimum amount of insurance from approved insurance companies. (Obviously in the case of illegal activities such as drug-taking the State would first need to legalise the activity and find a way to register users.) The insurers would then pay out if people find themselves in the position of having to give up work and go into drug rehabilitation or undergo treatment for injuries suffered as a result of car accidents for which they were responsible. Whilst this may limit people's autonomy in one sense, it ensures that people have access to the care they may need at a later date which, in turn, protects their future autonomy. In reply to the potential criticism that this is paternalistic, it may be pointed out that people often accept rules that require them to do things they know they should do precisely because they realise – in their more reflective moments – that left to their own devices they may fail to do these things through carelessness or weakness of will. There is nothing disrespectful about this paternalism because it appeals to people's own self-awareness.

On the surface, then, there does not appear to be any great difficulty in accommodating fairness as well as concerns about people's future responsibility. Or is there? One problem with mandatory insurance is that those who take the biggest risks (across a range of activities) might also be the ones who cannot afford to buy the mandatory insurance. In practice they might have insufficient money to buy insurance at the premiums fixed by the insurance companies due to their own choices about work, leisure, and consumption rather than any unfairness in the distribution of income opportunities. The upshot is that people who are unable to buy insurance but who nevertheless are minded to run the risks and flout the mandatory insurance rules will be left uninsured, subject to legal sanction, and without access to medical treatment if misfortune strikes. In order to accommodate this problem, insurers could allow such people to buy the required insurance coverage at discount prices and raise the premiums of people who buy higher coverage to cover any slack in the premiums paid by the poor. In this event, however, insurance rules become a form of redistribution of insurance costs from the prudent to the imprudent. This result may protect people's future responsibility but it ignores fairness.

Much the same problem emerges if the State takes over the provision of insurance. In theory the State could offer insurance across a range of dangerous activities and lifestyles thereby requiring people to engage in mutual social insurance: to insure themselves and others against different sorts of risks. For example, forcing non-drug-taking taxpayers to contribute to an insurance scheme which offers drug rehabilitation to addicts could

represent a *quid pro quo* for forcing drug-taking taxpayers to contribute to an insurance scheme which offers treatment and rehabilitation for obesity, alcoholism or smoking. However, the difficulty again is precisely this: what if it is the same people taking all the risks thereby placing an unfair share of the burden on the generally more prudent? In a society where there is an ethos of personal responsibility perhaps everyone will put aside a fair amount of money for insurance, or else will refrain from engaging in activities which have an element of risk that they cannot afford to insure themselves against. But this is rarely how things operate in the real world.

In reply to this, some might insist that in so far as the capacities required for prudent choice-making are a function of genetic endowment and upbringing, a degree of redistribution of insurance costs from the prudent to the imprudent would not be an unfair result. I do not ignore this point entirely. Instead, my claim is that *if* some risk-takers do fail to set aside enough money to pay for their own insurance and *if* this tendency is their own responsibility, then the proposed mutualisation of costs will not be fair because some people will make an unfairly low contribution.

What about asking people to pay society back once they have recovered? This may be possible in some cases, but we must also bear in mind the possibility that some people might never be able to repay the debt. Some addicts, for example, might be able take responsibility for their ends in the future and lead a normal life but fail to earn enough to repay the cost of their treatment. Others might be so damaged by their past experiences that they are unable to work to support themselves financially. To take another example,

an uninsured driver might, with physiotherapy and special equipment, be able to work again and purchase insurance against future accidents but could be left unable to pay the cost of this assistance. The point is that sometimes a person might be able to regain his capacity for responsibility but is unable to repay the money that society has paid out to achieve this end.

I believe reflecting on the foregoing cases and the practical difficulties they involve forces us to question why we value individual responsibility and whether justice is the most important value. If we also value individual responsibility because we think it is a good way of life for people to lead, then sometimes it might be desirable to waive personal responsibility now, so as to leave people more able to assume responsibility later on. Looking at the role of perspectives in social welfare policy can also help to make clearer the tensions between different responsibility-supporting values. Two perspectives seem especially relevant.

From a backward-looking perspective we focus on the causes of misfortune, and in some cases we note that a person has only himself to blame for what happened. The question defining this perspective can be stated as follows: why should society help individuals who are responsible for their own downfall? As the Ants say to the Grasshopper, 'since you kept yourself busy by singing all summer, you can do the same by dancing all winter' (*Aesop* 1996: 11). From a forward-looking perspective, on the other hand, we consider what can be done to change people's behaviour for the better, and in some cases we realise that a person can only be helped and encouraged to behave

more responsibly in the future if we *do not* withdraw aid. The point is that if the Ants do not agree to help the Grasshopper, then he will probably starve to death and the Ants will be unable to impress upon him the importance of working hard during the summer. The question defining this alternative perspective can be expressed in the following terms: what, if anything, can we do to foster a greater sense of individual responsibility among individuals who, in the past, have failed to take responsibility?

Trying to give due consideration to both perspectives can highlight tensions within our system of values. Whereas the backward-looking perspective is often motivated only by considerations of fairness, the forward-looking perspective involves a much wider set of ethical concerns, such as the desire to promote human flourishing. At the level of public policy the dilemma is this: should the State, on the one hand, give responsibility-rejuvenating treatment only to those drug addicts, negligent drivers, and so on, who are capable of paying for it either at the point of delivery or at a later stage, or should the State, on the other hand, give responsibility-rejuvenating treatment to all those who need it, regardless of their ability to pay for it now or later? If we adopt the first policy we uphold responsibility as a value of justice, if we uphold the second policy we uphold responsibility as a value of human flourishing.

6.5 UNDOMINATED PLURALISM

In this chapter I have argued that justice is not the only value that supports individual responsibility. I have argued that individual responsibility can also be viewed as being integral to human flourishing, as a moral obligation, and as something that might be necessary in order to secure the moral value of autonomous choice. We have also seen value conflict. On the one hand, even if justice does not support holding individuals fully responsible for the situations in which they find themselves, there are other reasons that can support imposing responsibility. On the other hand, where justice *does* support imposing consequential responsibility on individuals, it can be desirable to waive or defer personal responsibility if this can place people in a better position to take responsibility later.

It is perhaps worth noting at this stage that there is clear evidence of both this pluralism of values and of this conflict between values in the work of Rawls. Consider two examples. The first has to do with expensive tastes. On Rawls' interpretation of the division of consequential responsibility, we should assume people are capable of adjusting their ends over time such that expensive tastes do not raise a case for assistance. This is, on the surface, an argument about reasonableness and justice. But I am not convinced that this argument can operate entirely at the level of concerns about justice. Instead I agree with Landesman that there is an additional premise at work here about the intrinsic goodness of such adjustments as an exercise of autonomous choice (see Landesman 1983: 36).

The second example has to do with health care. Rawls emphasises the aim of keeping people as close as possible to the ideal of citizens as normally functioning and fully cooperating members of society. This aim is no less directed at those whose functioning falls below that ideal due to lifestyle choices than it is to any other citizen. So, even where an individual is responsible for his or her own misfortune, the social contract argument generates principles of justice which direct the State to restore people by medical or psychiatric treatment as required (see Rawls 1996: 185n.15; and also 2001: 175). Much less clear is what Rawls thought about how we should distribute the costs of securing basic health care for all, that is, whether they should fall equally on society at large or, at different levels, to specific individuals and groups of individuals depending on their responsibility. But whatever he thought about the role of principles of justice in deciding how costs should get distributed, it is difficult to interpret Rawls as claiming that hospitals should turn people away if it is ascertained they have no insurance and cannot afford to pay their fair share. The argument to which Rawls appeals seems to be that it is morally a good thing if society helps everyone back to full functioning quite apart from justice.

Faced with this plurality of values, then, social welfare planners must sometimes decide which values are to be sacrificed, when and to what extent. So what can we say to go further? We need a distinction between two types of pluralism. Let us call a pluralism of values 'dominated' if the State gives absolute or lexical priority to one value above all other values. No doubt some will insist that justice is the dominant value and, therefore,

that it should take priority in cases of value conflict. The implication of this ordering is that responsibility should not be imposed on individuals where it is unjust to do so but should be imposed where it is just to do so. On the other hand, let us call a pluralism of values 'undominated' if the State does not give priority to one value but holds each of the values as having equal or nearly equal fundamental importance. I intend to argue that justice is part of a system of values that in the case of consequential responsibility exhibits undominated pluralism.

According to this view, it can be equally important (or if less important only slightly less important) to uphold (or not uphold) individual responsibility for reasons of justice as for reasons of human flourishing and autonomous choice. For example, it can be desirable to encourage people to be more self-reliant, to delay gratification, and to adjust their personal ends in response to fluctuations in supply and demand, even though strictly speaking it might not be unjust for them to claim extra resources. It can also be desirable not to force people to bear the adverse consequences of their past choices so that they might be better able to assume responsibility or lead a more responsible life later on. What does this mean? For one thing it means that the State ought to protect the capacity for responsible agency of all citizens. This implies that drug addicts should have access to specialist treatment regardless of their ability to pay and that negligent drivers should be taken to hospital and cared for even if they are uninsured. Whereas according to dominated pluralism valuing choice means either imposing costs or denying aid as justice demands, undominated pluralism has the implication that we should help people to recover their capacity for responsible agency because of the moral worth of choice.

In contrast to this, to say that justice *is* the dominant value in the context of responsibility assignment is to accept the following: that government should uphold people's right to income even if doing so is contrary to the ideal of self-reliance, a characteristic which is considered to be a virtue by some; that expensive tastes should be subsidised where it is just to do so even if it would be a valuable exercise of people's autonomy to adjust their tastes; that responsibility for bad option luck should be waived where it is just to do so irrespective of the claim that autonomy is worth less if individuals are not held responsible for the consequences of their voluntary choices. On the other hand, saying that justice has dominance means that if an agent does not have a right to aid, then government should not offer this aid regardless of whether or not doing so would enable him to take responsibility in the future.

Why dominated diversity? One common justification for saying that justice is, or should be, the dominant value is that justice (at least as some conceive it) is neutral between conceptions of the good, whereas other individual-responsibility-supporting values rely on a particular set of beliefs about what kind of life it is good to lead; which beliefs might not be universal. This claim about the relative importance of values, then, rests on a more general conviction that it is more important to have rules and policies which are generally acceptable than it is to have rules and policies which are only the preoccupation of a few. Admittedly, if this is the view one takes of justice and its absolute priority over other values, then these are the policy conclusions one should draw. But the examples do not always support this view.

Why, then, undominated diversity? In chapter 5 I doubted whether there are any non-arbitrary priority rules ordering different criteria of justice at the level of first principle. Some might accept this view but insist that such rules are possible when we are talking about reasons of justice as opposed to reasons of goodness. This is not, on the face of it, a counter-intuitive position to take, but it is controversial, very far from being obviously correct. In some cases there may be a great deal of disagreement as to whether justice should be the dominant value. For this reason, I adopt a position of undominated diversity at the level of first principle, allowing more precise answers to be cashed out at the democratic level. It seems to me to be an attractive view to say that each society should decide the relative importance of these values in any given case. This means that some political communities will view justice as being the most important value in some cases and not in others, whereas other political communities will interpret the importance of justice in precisely the opposite way.

In light of all this, should egalitarians continue to advance principles of justice that are responsibility-catering? Nothing I have said so far implies that egalitarians should abandon responsibility-sensitivity. What I have tried to show is merely that what we mean by 'responsibility-sensitivity' and 'responsibility-catering policy' depends on the particular values in play and justice is certainly not excluded from this list. Even so, I do think that egalitarians should be more aware of the fact that justice is not the sole reason why individual responsibility matters and may not even be the most important reason.

This, however, raises one final question: what should we do in cases where there is no reason of responsibility to intervene – where someone is responsible for the situation in which he now finds himself and there is no hope of helping him to assume responsibility later? Reflecting on what I have argued so far, I hope the reader will not assume I am suggesting that personal responsibility is all that matters. I do not think this. A society may have other reasons – let us call them humanitarian reasons – to assist people whose chances of future responsibility are at best slight. That we should relieve suffering and help the stricken is a moral injunction that does not, and need not, rely on the assumption that we are thereby placing people in a better position to assume responsibility in the future. Sometimes we are not.

However, what if a government decides not to offer humanitarian aid not because it cannot afford to do so but because the majority are not in favour of such a policy? Can this response ever be morally justified? One view might be that it is rightly a matter for each society to decide (through democratic decision-making) what the relative importance of humanitarian considerations are, such that it is morally acceptable if a democratically-elected government opts not to offer this type of assistance. However, this is not the only feasible view of the proper function of the State. It could be argued that it is one of the basic moral requirements of the State to preserve life and so any government that fails to do so by not offering humanitarian aid does not act legitimately even if it has a democratic mandate to behave as it does. This question deserves further examination which it will receive in the next chapter.

In this chapter I have explored some of the values that support individual responsibility. I do not claim that this list is exhaustive; other values may also be important. Nonetheless, we have the limited conclusion that whilst government should not pursue justice to the exclusion of other values (virtue and autonomy), it should not strive to promote the good in ways that fail to show due regard for justice.

7 THEORY AND PRACTICE

Previous chapters have addressed the question of individual responsibility from a purely theoretical perspective. I have considered largely in the abstract when and how far it is fitting to hold individuals responsible for their own disadvantages and misfortunes. The present chapter is addressed to the broader issue of how we implement these principles and objectives. How far should government cater to responsibility-sensitivity? What are the limits of legitimate State authority in this area? What practical and pragmatic issues need to be born in mind? Finally, which policies should we favour?

7.1 THE LIMITS OF STATE AUTHORITY AND THE BASIC FUNCTIONS OF GOVERNMENT

When a society, through the institutions of government, takes up the challenge of promoting individual responsibility just how far may it pursue this end? Are there certain things governments may not do? By way of illustration, consider again the uninsured negligent driver lying injured at the side of the road. Let us assume, for the sake of argument, that he is rightly held responsible for a significant part of the costs of medical treatment. The question is this: how should the State go about ensuring he bears these costs? If he cannot pay now, because he has no savings or assets, then the hospital could bill him for the costs at a much later date when he is able to pay or set up some suitable repayment plan. Yet he might be so severely disabled as a result of the accident that he is

unable to repay. What should we do then? Do we seriously believe the hospital should switch off his respirator once it has been ascertained he has no means to pay? One obvious solution might be for government to institute a compulsory insurance scheme, whereby money is taken directly from people's earnings to pay for any medical care they might need at a later date. Even so, what about the rights of individuals to decide for themselves whether or not to be insured? Is it a legitimate function of government to force individuals to take responsibility in this way?

If it was not clear before, then it should be clear by now that when deciding which policies to adopt consideration has to be taken of the proper limits of political authority. We need to consider not just whether government should hold individuals responsible for what happens to them, and to what degree, but also how it implements sensitivity to individual responsibility. It may well be in the best interests of individuals to assume responsibility by working for a living and by contributing to an insurance scheme. And we know from experience that many individuals assume responsibility for their own interests spontaneously. But unfortunately we also know from experience that some people are unlikely to take responsibility for their lives and livelihoods in a constructive way if they are simply left to their own devices. The question is: does the State have the right to force them to do so?

Some might try to side-step this question by insisting that in a perfectly fair society people could afford to purchase insurance and pay for the life they want to lead and so these examples would not arise. Lack of employment and access to income must be a

causal factor explaining why many people are uninsured. In the United State alone some estimate that as many as 43 million people do not have basic health insurance. Surely this cannot all be down to personal choice. This reply deserves consideration, but I do think there would be a dilemma even in a perfectly fair society. Suppose we live in a society where everyone has access to a decent income. What if some individuals prefer not to have insurance so they can spend money on other things? The dilemma for government is whether to: (a) compel these individuals to take out personal insurance, (b) allow them the choice but leave them to bear the consequences, or (c) allow them the choice and compel taxpayers to pay for their treatment if they fail to take out insurance even if this result is unjust. In fact, the same dilemma occurs when thinking about the prior problem of poverty. There are many individuals with the opportunity to work and earn a good wage who do not make use of this opportunity. If an adult wants to lead a life of idle leisure, and fully appreciates what he might lose by not having a job, the dilemma for governments is whether to: (a) compel these individuals to work, (b) allow them the choice not to work but leave them with less residual income as a consequence, or (c) allow them the choice and offer them income anyway.

In which, if any, of these ways is the State entitled to respond? There are some powerful arguments against State intervention of the kind (a) that coerces individuals to act prudently through the imposition of sanctions. One argument appeals to the practical point that this sort of intervention is often ineffective. This is certainly the crux of Samuel Smiles' message about self-help:

Laws, wisely administered, will secure men in the enjoyment of the fruits of their labour, whether of mind or body, at comparatively small personal sacrifice; but no laws, however stringent, can make the idle industrious, the thriftless provident, or the drunken sober. Such reforms can only be effected by means of individual action, economy, and self-denial, by better habits, rather than by greater rights. (Smiles 1859: 13-14)

But even if laws are effective, there are other reasons to object. For example, some luck egalitarians believe we can resolve these sorts of dilemmas in the following way: those who act imprudently do so typically because they lack the choice-making and choice-following abilities of others and justice requires that we try to mitigate the affects of bad luck in the distribution of choice-making and choice-following abilities. Therefore, in order to do this, government may legitimately force individuals to act more prudently through compulsory insurance (see, for example, Arneson 1995: 239). However, in her article, "What is the Point of Equality?", Anderson objects to this sort of reasoning on the grounds that it shows a lack of respect:

In adopting mandatory social insurance schemes for the reasons they offer, luck egalitarians are effectively telling citizens that they are too stupid to run their lives, so Big Brother will have to tell them what to do. It is hard to see how citizens could be expected to accept such reasoning and still retain their self-respect. (Anderson 1999a: 301)

Another powerful argument against coercive State intervention can be found in Mill's, *Principles of Political Economy*. Here Mill objects to what he calls 'authoritative' intervention (see Mill 1994: 325). Authoritative intervention involves controlling what people do (or do not do) by means of legal sanction. Those who do not comply with the will of the State are liable to fines or other sorts of punishment. Examples of authoritative intervention include compulsory pensions and insurance schemes. In terms of preventive measures, the State could literally prevent individuals from taking risks with their health and safety by banning the production and import of harmful substances or by restricting access to hazardous geographical areas. Another example of authoritative intervention is forcing individuals to work.

Significantly for the present debate, Mill thought that authoritative interference requires a higher degree of justification (or motives of greater urgency) than benign interference, for the simple reason that the latter involves no violation of individual liberty (see Mill 1994: 326). Thus, Mill famously thought that:

the only purpose for which power can be rightly exercised over any member of a civilised community, against his will, is to prevent harm to others. (Mill 1972: 78)

Harm, in Mill's sense, is harm to other people's vital interest, that is, interests which ought to be considered as rights (Mill 1972: 143) – as when, for example, someone

physically attacks another person or becomes unable to repay his debts or neglects to keep a promise or misappropriates another person's private property (Mill 1972: 62-63).

What implications does this argument have for the present discussion about whether or not the State has a right to impose consequential responsibility on individuals? Much depends on how we interpret people's rights, of course, but at first sight it appears that if a person drinks too much, does not work and takes risks with his health but harms only himself, then there is no basis for authoritative intervention. For example, Mill pointed out that gambling, drunkenness, and idleness can seriously detract from personal happiness and are not entirely without effect on the happiness of others, but insisted that there is justification for curbing these vices by authoritative means, unless the rights of others are violated (see Mill 1972: 149-150). The only exception would be in the case of smoking, where there is harm to other people through passive smoking. In this case there might be an argument for banning cigarettes in public places; or at least forcing smokers to pay for the health care of victims of passive smoking.

There are, then, a number of reasons why the State should not force individuals to take responsibility for themselves in ways that we think are prudent. In reply to these arguments, however, some might claim that government *does* have the moral authority to interfere authoritatively in people's lives when it is a matter of life and death. It might be argued that the State has a basic responsibility to preserve life. But what is this responsibility based on? It might be enlightening to consider at this stage Locke's views on this question. Locke believed that the primary function of political society is to

preserve the life of all its members (see, for example, Locke 1988: 375, 381-382). Locke also believed that political authority is developed through the social contract. On this reading, therefore, the responsibility of government to preserve life springs from the prior agreement of individual members of society to come together and live under a government that has this responsibility.

Like other writers in this tradition, Locke did not rely solely on the idea of an original contract to justify the authority of the State, but argued that simply by living within a political society, and enjoying what it has to offer, people give their tacit consent to the authority of the State (Locke 1960: 347-348). Whether or not Locke's theory of consent can be spelled out so as to handle various well-known difficulties with the idea of tacit consent, I think that the general strategy for justifying State interference through the consent of the ruled is plausible. If successful, this argument would show that government does have the right to interfere in people's lives by coercing them to take insurance for their own health and safety, because it has a basic responsibility to preserve life; which responsibility is based on consent.

Perhaps the best way to motivate the argument from consent is to substitute for the idea for tacit consent, claims about what we would consent to if, contrary to fact, the State did not intervene to save lives and we were simply left to our own devices. Through this thought experiment, we are required to think seriously about what the State offers us. Arguably, once we consider what life would be like without the State intervening on our

behalf to protect our lives, it becomes plain that it is in our interests to live in a political society where government does just that.

However, this raises a further question: exactly how far does this justification extend? Insurance is not the only area where authoritarian interference could potentially help to save lives. Another example is where people go hungry because they do not work. Does this mean the State has the right to force the idle to work? Historically, some political philosophers have supported this right. In his *Leviathan*, for example, Thomas Hobbes argued that it would be legitimate to force the able-bodied poor (see Hobbes 1985: 387). Similarly, in his proposals for the reform of the English Poor Laws, Locke proposed a number of coercive measures for dealing with the poor. First, he argued that state authorities should restrict the number of alehouses, thereby reducing the incidence of drunkenness, and removing an obstacle to useful labour (see Locke 1993: 447). Second, he suggested that special overseers should be given powers to order the unemployed to work for local people, and if they refused to obey any such order, that they may be sent to the next port to serve on ships or, if that is not possible, to a house of correction (Locke 1993: 451). Finally, he claimed that children over the age of fourteen should be obliged to attend working schools where they might earn their livelihood, thus freeing their mothers to join the work force (Locke 1993: 453). Locke argued that by putting the idle to work in this way, government can ensure that, 'they do not live like drones upon the labour of others' (Locke 1993: 452).

However, from the claim that the State has the right to intervene authoritatively in order to save lives I do not think it follows that the State has the right to force the idle to work. When individuals come together within political societies arguably they do so not only with the proviso that the State will preserve life but also with the expectation that the State will uphold basic rights and liberties. These basic rights and liberties in turn place limits on the extent to which the State may intervene. The foregoing proposals of forcing people to take responsibility through work interferes very strongly with people's rights and liberties, and perhaps in a way and to a degree that coercing people to pay for their own insurance does not.

A further consideration is that literally forcing people to work is perhaps no longer necessary for combating idleness. Nowadays welfare agencies have extremely sophisticated ways of encouraging work such that much can be done in terms of getting people back into work without relying on the old method of sending them to work houses. One sanction welfare agencies can employ is to withdraw aid from individuals who do not make an effort to look for work. But there is also a growing body of literature in the United States and Great Britain which suggests that imposing financial sanctions on individuals, is not as important as a general strategy of 'help and hassle'. It has been observed that effective caseworkers are prepared to animate, buoy up and spur on their clients, yet at the same time give them the positive help and encouragement they need to succeed. In the first place, an ethos of mutual obligation is thought to be essential: a good caseworker not only expects her clients to play an active part, but also works hard on behalf of her clients to find decent job opportunities. Secondly, a good caseworker sells

the option of work to her clients; she urges and persuades clients that work is a good thing for them, and is enthusiastic about their prospects. She appeals to their self-interest by pointing out that they will be better off by working, but she also appeals to their moral sense by suggesting that they have a moral duty to attempt to support themselves and their families. Finally, a good case worker builds up the commitment of her clients gradually: she begins with the kinds of short-term training programmes that clients are more likely to succeed in; and she begins by advocating part-time, limited contract work and only builds up to offers of permanent, full-time employment once the client is ready. Once that stage is reached she does her best to provide all the training that people require. (See, for example, Bane and Ellwood 1994: 131; McLaughlin 1997: 81-82.)

Returning now to the main argument, we have seen that in some cases (but not all) the State has the moral authority to intervene authoritatively in people's lives (to impose individual responsibility) in order to preserve life. However, there is another side to the argument from preservation of life and it is this: if we truly believe the State has an obligation to preserve life, then arguably not only does the State have the right to interfere authoritatively in people's lives to coerce them to act prudently but it also has the right to compel society as a whole to pay for the care of anyone whose life is in danger irrespective of whether they have taken or can take responsibility. I accept this last point fully because it seems to me to be one of the basic moral requirements of a government to try to preserve the lives of its citizens and so any government that fails to do so by not offering humanitarian aid (say) does not act legitimately even if it has a democratic mandate to behave as it does.

Now if one accepts this principle, then one implication is that anyone whose life is threatened by injury should receive the care he or she needs to survive irrespective of ability to pay. This holds true in the case of Anderson's negligent driver. I also think the same principle could apply to other life threatening hardships such as extreme poverty and hunger. What is more, I do not believe I am alone in drawing these conclusions. As I have already written, in his proposals for reform of the Poor Laws, Locke argued that, in most instances, the true and proper relief of the poor consists in finding work for them (see Locke 1993: 452). However, Locke also believed that: 'Everyone must have meat, drink, clothing, and firing; so much goes out of the stock of the kingdom, whether they work or no' (Locke 1993: 452). For Locke, the obligation of public charity follows directly from the basic function of political society to preserve life. Similar conclusions about a social minimum can be found in the work of far more recent proponents of the social contract. Rawls, for example, described the social contract as a contract between fully functioning participants in a well-ordered political society. Rawls draws this ideal from what he believes are a set of uncontroversial beliefs and ideas present in mainstream political culture today. This ideal forms the background of assumptions against which questions of justice, reasonableness and fairness are to be raised and answered. For Rawls, then, it is a fundamental task of government to ensure that individuals are able to function normally. Thus, Rawls believed that government should make provision for a basic level of health care assured for all citizens (see Rawls 1996: lix; 2001: 176).

Drawing the above points together, I think that the State does have the moral authority to coerce individuals into paying their fair share of the medical treatment they need wherever possible. But I also think that it would destroy the point of the political bond if social welfare institutions did not secure the basic health of *all* citizens on humanitarian irrespective of their ability to pay and even if it is their own fault that they are in need of medical attention which they are unable to pay for. In other words, I agree with Locke and Rawls that it is a fundamental task of government to preserve life and enable individuals to function as participants in society.

7.2 THE PROBLEM OF UNINTENDED HARM

In addition to having to bear in mind the proper limits of state authority and the basic functions of the state, a further difficulty the welfare planner must take seriously is the practical point that sometimes policies aimed at promoting individual responsibility have unintended harmful consequences. Policies can harm those who are able to assume responsibility but they can also harm those who are not.

As an example of the first type of unintended harm, consider the policy of workfare according to which the State takes over the role of finding work or training for individuals and providing welfare benefits on condition they do this work or training. Many writers have seen workfare as the right solution to the problem of moral hazard in welfare policy. On this view, the problem stems from the fact that access to income is often

unconditional. They argue the State should offer people not welfare but mandatory work or training. Although 'workfare' is a relatively new piece of terminology, the basic idea is not. In his *Essays Relative to the Subject of the Poor Laws* of 1796, for example, Jeremy Bentham set out what he called the 'conditions of relief' including the right of state authorities to demand work as a condition annexed to the grant of relief (see Bentham 1796: 152a.62). At least for some theorists currently writing about social welfare policy, workfare remains the right solution. Perhaps most prominent among these writers is Lawrence Mead who maintains that workfare has provided an effective tool against the problem of idle dependency in the United States (see Mead 1986: 12; 1997: 1). Leading conservatives in Germany have also jumped on the workfare bandwagon (see Woodhead 2001). What is more, even in countries that have a strong commitment to collective responsibility for social welfare such as Sweden, there is a tradition of workfare (see Digby 1989: 13). Workfare is viewed by people in many countries, then, as a powerful tool in encouraging work: not merely because people who habitually fail to search for work will be denied further aid but also because the term 'workfare' makes it clear from the start that each person has a responsibility to help him or herself. As Alistair Darling puts it:

When people come through the door – they will no longer simply be able to ask:

“What can you pay out to me?” They will have to answer the question: “What can we do to help you into a job?” (Darling 2001: para. 27)

Now the first thing to notice about these sorts of workfare programmes is that they deny real freedom of occupation to participants. This alone may or may not be sufficient for individuals to reasonably reject such a policy. However, this is not the only problem. Workfare places all the power in the hands of welfare officials and those companies who offer the training and job placements. Consequently, workfare programmes have been criticised by participants because they offer poor quality of training and low pay. What is more, even when people do successfully complete a course of study or training, it is often the case that individuals are unable to go on to secure a job in the places where they trained or had the experience (see, for example, Dwyer 2000: 146-153). A related concern is that participants in the workfare programme are given a bad name even before they turn up for work. The Commission on Social Justice, for example, found that employers in the United Kingdom were reluctant to employ individuals whom they perceived to be unwilling conscripts (Commission on Social Justice 1994: 239).

Turning now to unintended harms to those who are unable to assume responsibility, consider the policy of eligibility tests for unemployment benefits. The idea that access to unemployment benefits should be restricted to people who are literally unable to work is not restricted to the Right. Egalitarians now accept this policy equally. Even egalitarians who criticise other egalitarians for putting too much emphasis on personal responsibility – I have in mind Anderson – accept the principle of eligibility-testing. As Anderson writes:

to administer this system, some *limited* judgements of individuals' capacities to function in the manner required need to be made. For example, in my article I argue that in the normal case, an adult's access to a decent income will be conditional on performing some role in the productive system, whether under contract for payment or under obligation to care for dependants. People who are capable of performing some such role, and for whom a job is available can reasonably be expected to take it as a condition of getting a decent income, and will not be entitled to live off the dole forever. For those suspected of abusing the worker's disability system, some determination must therefore be made if whether they are actually capable of holding down a job and just malingering, or truly disabled or otherwise effectively unemployable. (Anderson 1999b: 5)

Under eligibility-rules, the main task of welfare officials in dealing with the unemployed would be to judge whether or not a claimant has a valid excuse for being out of work. This certainly is one way of catering to individual responsibility but there are drawbacks with this type of system. One objection levelled at this kind of system has been that in trying to test people's fitness for work we risk humiliating those individuals who are in fact incapable of this particular way of life. To illustrate this objection, imagine that I attend my local welfare bureau because I am out of work and in need of money. If the principle of the bureau is to restrict unemployment benefits to people who are unable to work, it is likely that I shall be asked to attend an interview with a view to discussing why I am unemployed. If I want money, I will have to prove to the bureau either that I have a serious disability or that I am utterly bereft of talent and will not be

hired by anyone, not even in a time of high demand for low-skilled labour. However, it has been observed – quite correctly – by Wolff that such a process of revelation could potentially shame people who are disadvantaged in these ways, and could have an adverse affect on their self-respect as a consequence (see Wolff 1998: 113-5). Whilst it does not seem injudicious to shame those who are ‘playing the system’, by showing that their claims are unfounded, it is unworthy to shame those who are genuinely unable to work.

So, the welfare planner is faced with a difficult problem: how to determine who is entitled to income, as opposed to just malingering, without shaming those who are in fact incapable of work. One alternative might be for officials not to make any prior assessment of people’s talent or ability, but simply to cajole people into finding work and see what happens. The apparent difficulty with this proposal, however, is that we might be setting people up for a fall. If, despite the best efforts of the individual and the welfare official, no job has been found, the overall impact on people’s self-respect might be worse than if we had simply allowed them to claim that they were unable to work in the first place.

The aim of this objection is not to deny that work can contribute to people’s self-respect in a number of ways: through the awareness of one’s mastery and skill in doing one’s job; confirmed by the fact that others think it worthwhile to employ one’s talents; from the realisation that one is paying one’s own way. Rather, it is to highlight the fact that for someone without the wherewithal to engage in paid employment, this is just a reminder that he or she does not live up to the standards of his or her society.

A further potential problem is the adverse affect that rules and policies of individual responsibility might have on the dependants of those targeted. One source of concern is the children of adults who forfeit their right to support. Anyone who favours rules or policies that push single unemployed mothers into work must answer the following question. Is it better or worse for the child not to have a parent at home looking after him or her? As one critic of welfare reform under the Clinton administration put it:

No child is going to be spiritually improved by being collateral damage in a bombardment of severities targeted at adults who may or may not deserve more severe treatment from the welfare system. (George Will cited in Moynihan 1996: 34)

7.3 PRACTICALITY AND EXPEDIENCY

Further criteria for judging social welfare policies are aptly discussed under the general heading 'practicality and expediency'. One fairly obvious constraint is whether a state can 'find out' about the situations of its citizens in the ways specified by ideal theory. The reason for this condition might seem obvious. If our aim is to find a theory of consequential responsibility that can be applied to political decision-making here in the real world, there is much less value in a theory that cannot be implemented either because

it is impossible to find out what it entails in concrete cases or because to find out what it entails in concrete cases involves unacceptable costs or intrusions into people's lives.

Much of this investigation will focus on determining the reasons why individuals find themselves in difficulty. This alone poses a number of daunting epistemic problems. One problem is that officials might not have sufficient time and resources to conduct the necessary investigations to determine the causes. On the other hand, officials might have all the relevant information but still be uncertain about the causal link. The disadvantages they investigate may have no obvious cause or multiple causes. Employment is a case in point. How do we decide if a person is capable of holding down a job? At first glance, deciding if someone is able to work appears to be a question of fact that can be settled by straightforward naturalistic standards. If I am severely sick or disabled and unable to perform even the most rudimentary of tasks, then my inability to hold down a job is obvious. Yet for a much larger number of people – perhaps the majority of people in the disabled community – work might be difficult but not impossible because they face partial or minor disabilities, mental health problems, diseases, ailments, and so on.

However, it also makes no sense to exaggerate these problems. We routinely make attributions of causal responsibility in other fields of justice even though there is imperfect information. In the area of corrective justice, for example, judges often have to rely on there being enough evidence to satisfy them that there was more likely than not a causal link between the actions of the tortfeasor and the plaintiff (see Cane 1999: ch. 5). The vast majority of tort claims are settled out of court by negotiations that take into

account the strength of the causal evidence (see Cane 1999: ch. 4). Perhaps the same pragmatism is applicable in cases of distributive justice.

That being said, officials might have to introduce some simplifications so that the process of deciding people's claims becomes less time consuming and therefore less expensive. One way to achieve this might be to categorise behaviour by type: to specify a list of acts (or omissions) sufficient for assigning consequential responsibility to individuals. In matters of personal health, for example, it might be feasible to identify certain kinds of behaviour that generally speaking result in poorer health.

However, even if officials had unlimited funds to spend on the relevant sorts of investigations, another problem is that it might be barred from conducting a thorough investigation because the information required is of a sensitive nature. If it is unfeasible for government to make a comparison of people's lives in terms of metric X – because, for example, making informed judgements about X requires intrusive investigations into people's private lives and is liable to inaccuracy – then remedying inequalities of X is not rightly a responsibility of government. Welfare appears to be a case in point. I have already looked at Rawls' proposals for a just division of social responsibility. But one facet of this argument not yet discussed, is his belief that 'We must also find workable criteria for interpersonal comparisons that can be publicly and, if possible, easily applied' (Rawls 1996: 186). It seems, then, that Rawls may have rejected welfare metrics partly because he believed that people's happiness and preference

satisfaction are not easily ascertained and do not provide workable criteria for interpersonal comparisons.

Indeed, by rejecting the idea of comparing overall welfare in matters of distributive justice, Rawls demonstrated once again the intellectual debt he owed to Kant. Kant believed that desire satisfaction is not susceptible to legislation because what each person wants or desires is infinitely variable and trying to legislate on this basis would inevitably lead to intrusion by the State and misunderstandings about what citizens want (see Kant 1985: 80). Kant believed instead that what we owe to each other should be analysed in terms of the agreements we voluntarily enter into. The mere fact that a person wishes or desires something from someone else does not raise a case for redistribution (see Kant 1996: 23-24).

Yet another criterion on which to judge social welfare policy is value for money. In so far as government only has a limited amount of resources to devote to social welfare, every penny spent on implementing rules and policies is a penny less spent on social payments to those in need. So the onus is on efficient uses of public resources. One example of this is the fact that promoting individual responsibility is not always the cheapest option. It is often argued that if government increased public expenditure on free education and training for the low-skilled, free child-care for single unemployed mothers, tax-breaks for those on low-wages, subsidies for employers willing to take on the long-term jobless, and so on, the result would be that more people enter the work place and money is saved that would otherwise be spent on costly unemployment

benefits. Mead, for example, points to evidence in the United States that shows how workfare programmes have saved money for government (see Mead 1997: 24). (These strategies might even reduce some of the indirect social costs associated with unemployment such as crime and social unrest.) Yet the fact remains that spending more money on these sorts of strategies does not guarantee public savings. Consider the policy of offering free child-care to single unemployed mothers. Even if the State succeeds in encouraging such women back into the work place with the offer of free child-care, it is unlikely that women at the bottom end of the income spectrum will earn enough to make a net contribution to society through the relatively small amounts they give back in tax or that the money saved in unemployment benefits will exceed the cost of child-care provision.

One final practical detail that should be borne in mind is the relative wealth of each society. A society whose economy is relatively poor and so cannot tolerate high levels of taxation, cannot afford social policies similar in cost to those of a society that is relatively affluent. Van Parijs, for example, defends a basic income for all but stresses that this argument is provisional on the affluence of each society. He prescribes that in an 'opulent' society each person should receive a basic income, even those who are unwilling to work. In a society that is not affluent, however, Van Parijs claims that access to income should not be unconditional (see Van Parijs 1995: 86).

With this detail in mind, we can now take up the issue of sustainability of unconditional basic income. In arguing for real freedom for all Van Parijs supports the

highest sustainable basic income (see Van Parijs 1995: 38-41). Sustainable income can be understood in the following terms. Since income from government is funded through the contributions of working taxpayers, the economy requires plenty of labour to fund a high level. If the level of unconditional income is too high, however, fewer people will have the motivation to work and there will be less revenue from general taxation to sustain that level. The problem is one of moral hazard.

The idea that we cannot simply rely on people's innate desire to work for a living but must 'make work pay' is not new. The problem of moral hazard has been well understood and extensively written about ever since the Poor Laws were introduced. Mill's *Principles of Political Economy* is perhaps unmatched in this respect (see Mill 1994: 355). If the amount of income a person receives irrespective of whether or not he works is too high, then this will have the consequence that large numbers of people do not bother to join the labour market. However, I should make it clear at this stage that moral hazard is more of a factor for some policies than for others. Consider, for example, Van Parijs' proposal of the highest sustainable unconditional basic income. The exact level of basic income depends a great deal on moral hazard. If tax revenues are low because relatively few people are motivated to work and pay taxes, there will be less revenue for government and unconditional income cannot be sustained at a very high level. It is for this reason, I think, that Van Parijs suggests that unconditional income is most suitable in an opulent society (see Van Parijs 1995: 86).

7.4 PREVENTION BETTER THAN CURE

A further practical detail I want to highlight is that in social welfare policy, as in other areas of life, prevention is often better than cure. It is often better for government to aim at fostering greater preventive responsibility rather than simply enforcing consequential responsibility. Why so? One reason why preventive responsibility is better has to do with possible benefits to the individual. In general, it seems better for individuals if they avoid disadvantage as opposed to being held responsible after the event at which point it might be possible only to mitigate those consequences. Public health and safety is one obvious example. Rather than putting all the emphasis on making sure that individuals bear a fair share of the costs of the risks they take, it is surely a good idea to find ways of promoting less dangerous ways of living to begin with. This helps to ensure that people remain healthy and that each person's life is as successful as it can be.

How can this be achieved? One fairly obvious strategy is to increase the amount of information offered to people about the dangers associated with certain lifestyles as well as to offer guidance on the practical steps that people can take to reduce the risks and substantive opportunities to adopt healthier lifestyles. As Mill put it:

There is another kind of intervention which is not authoritative: when a government instead of issuing a command and enforcing it by penalties, adopts the course so seldom resorted to by governments, and of which such important

use might be made, that of giving advice, and promulgating information. (Mill 1994: 325)

Leaving people to fall into dire straits before holding them responsible is also an inefficient strategy from the perspective of the good of society as a whole. The arena of work is potentially another area where prevention makes a great deal of sense. Rather than ensuring that people bear the appropriate opportunity costs of not working by denying them unemployment benefit, it is perhaps also a good idea to find ways of encouraging them to take responsibility beforehand by looking for work. It is arguably a waste of intellectual capital not to tackle the causes of unemployment, lack of qualifications, skills, training, self-belief and so on, rather than simply leaving individuals to lead a life of unemployment and extreme poverty. As Gordon Brown has been at pains to point out, this waste is not merely to the detriment of the individuals concerned, but also to the economy as a whole (see Brown 1996; 1999).

A more mundane reason for incorporating an element of prevention is value for money. It might be difficult to prove beyond doubt that policies of preventive responsibility represent a more efficient use of public funds than policies of consequential responsibility. Much depends on the relative administrative costs of scrutinising claims for aid when things turn out badly, and trying to change people's attitudes and behaviour to avoid disadvantage in the first place. But it is at least thinkable that the old adage, prevention is better than cure, holds true in this case and that public money is most effectively spent on prevention.

7.5 POLITICAL GOALS

In addition to having to bear in mind issues of practicality and efficiency, the welfare planner must try to achieve certain political goals and pursue ends that an elected government might want to pursue. One clear illustration would be if our government has been elected with a clear mandate to promote the arts or the sciences or sports or all three and believes the best way to do so is for the government to use taxpayers money to support promising artists, scientists, and sports people. On this view, if we cannot rely on the market to support excellence and innovation in these areas, then as a society we should subsidise the income of talented individuals to bring them up to the level of income they would receive if they opted to employ their more rentable talents. Thus, consider Rakowski's example of the poverty stricken artist struggling in obscurity against the aesthetic sense of his age (Rakowski 1991: 109). We could agree with Rakowski that the artist has no right to taxpayers' money on grounds of justice but defend the policy of an artistic grant on the grounds that justice is not the only thing that matters. The fact that the artist adds to the cultural life of our community is a political goal that could justify the imposition of collective responsibility.

In fact one only has to reflect on the way that public funding of the arts, the sciences, and sports currently operates to see that sometimes fairness is not at the forefront of policy-making. The point is that thousands of people currently receive scholarships and

bursaries (funded through taxpayers' money) to develop their talents and to engage in worthwhile projects at home and abroad. However, when public institutions extend grants to artists, actors, musicians, sports men and women, explorers, scientists, poets and writers, generally they do not expect recipients to repay the money or limit their financial burden by working with the cheapest materials (say) or producing art that is guaranteed of commercial success. There is, then, a need to recognise other reasons for waiving individual responsibility besides justice – a point readily accepted by choice/luck theorists (see, for example, Dworkin 2000: 128-129).

7.6 RESPONSIBILITY-PROMOTING POLICIES

Thus far we have the complex result that whichever rules and policies we adopt for catering to individual responsibility, these rules and policies should not only uphold principles of distributive justice and ideals about the good life but should also not overstep the limits of political authority, respect basic moral requirements of the State, represent an efficient use of taxpayers' money, and help to pursue any political goals our governments might have at any given time. Ideally we require a set of policies that reflects each of these concerns. This balancing act could, in theory, make it difficult to arrive at definitive prescriptions about which policies we should favour. Nevertheless, I believe that the foregoing arguments do have some substantive policy implications – which implications I want to try to bring out in three important areas.

A. Income and employment

I have argued, on grounds of justice, that people who are unable to work will have a right to income for as long as necessary. But I have also argued that it is reasonable even for those who are ‘voluntarily’ unemployed or underemployed to receive some level of subsidy. (The various possible reasons supporting this were discussed in chapter 5.) In addition to this, I have argued that for those individuals who engage in non-wage-earning labour that contributes to society, justice also demands financial recognition of their labour. How much income should people receive? I have argued that the exact level of income is rightly a democratic decision for each society and does not necessarily have to be at the highest sustainable level. However, it is also clear that, as a minimum adequacy constraint, whichever level of income the State aims for must be sustainable. So, in a society which is not affluent – where tax revenues depend heavily on the ratio between those people who are in work paying taxes and those who are out of work claiming from the State – the level of income cannot be too high. In other words, to be feasible, the income level must be set at a level that is sustainable given the affects of moral hazard according to which the higher the income the more people are unlikely to want to work to earn above that level.

Nevertheless, access to income should not be dependent on prior tax contributions. This means that people do not have to pay into the system in order to qualify for benefits. Nor should access be dependent on people being in paid employment or training. These

conditions reflect the aim of this income: partly to support people who are unable to support themselves; partly to offer real freedom of occupation; partly to reflect people's entitlement to an equal share of the earth's natural resources; partly to recognise the contribution of certain types of labour to society. If people did have to pay into the system or already be in work or training in order to benefit, then it would destroy the point of this scheme as defined by the above reasons: it would disqualify from access to income people who have a right to income.

What about the problem of unintended harms? Consider first the plight of children born into poverty. I believe that the foregoing proposals deal adequately with this problem. Under these proposals, carers will have a right to income during the period when they are at home bringing up their children. So there should not be a problem of visiting 'the sins of the father' on the child. The problem of shameful revelation, however, is perhaps less easy to deal with. One strategy is to say that since everyone has a right to some unconditional income simply by virtue of the fact everyone has a claim to an equal share of the world's natural resources, we can side-step the need for talent-testing (see, for example, Hinton 2001). Another strategy is to argue that people are in fact likely to draw self-respect from living in a society where the affluent have a responsibility to provide an unconditional basic minimum for those who are not so fortunate (see, for example, Rawls 1971: 181; 1996: 318).

However, no strategy is perfect. One problem with unconditional basic income is that the level might turn out to be too low. The idea, for example, that we are all entitled

to an equal share of the earth's natural resources is helpful only if it turns out that an equal share is large enough to sustain a decent standard of living for all. But it is apparent that a great deal of the value of the natural resources that exist in the world today is 'added value', so that an equal share of the earth's natural resources, distributed across an immense population, might not come to much. Moreover, it is eminently possible that some people will need more income than others in order to achieve the same standard of living. Consider those people with special requirements for additional resources such as the disabled or mothers with young children. This means that in a relatively poor society where the highest sustainable basic income is relatively low, eligibility tests will be needed in order to target additional resources to those in particular need (see Van Parijs 1995: 75-76). A second problem with unconditional income is that it could turn out to be too high. As the level of unconditional basic income increases, so does the complaint that it fails to take seriously concerns about choice-insensitivity and free-riding.

In short, I think that there is a genuine problem for social policy planners as to how to target benefits at people that have a right to them without, at the same time, humiliating recipients. This follows from taking an inclusive normative approach to questions of consequential responsibility. This, then, raises the following question: which is the more important consideration? In chapter 5 I said I doubted whether there are non-arbitrary priority rules between different criteria of justice. I stick by this claim now. Accordingly, we would potentially be dealing with equally important concerns of justice. In other words, the State could both have an obligation to target income and resources at those who have a right to them and a duty to avoid humiliating recipients.

So what else can we say? We can, of course, say governments must strive to find ways of targeting benefits to those in need by means that are least offensive. However, where this is not possible, my official view is that it is rightly a matter for each society to decide, given its particular sense of what is most important, whether to focus on ensuring that resources are targeted at certain groups or to avoid shameful revelation by offering high levels of unconditional basic income. Either outcome is consistent with justice under my interpretation. Nevertheless, if a government does decide to target benefits, perhaps one mollifying thing I can say on this issue is that it is the responsibility of the State to guarantee the social bases of self-respect in a variety of different ways. So, even though government may have to impose some eligibility tests for access to income, it may find other ways of securing the social bases of those who are unable to work, such as through equal rights legislation and by increasing public spending on mobility and access arrangements.

In addition to all this, in chapter 6 I suggested it could be morally desirable for individuals to be able to assume greater self-reliance through work even if this outcome is to some degree optional as far as reasonableness is concerned. This is because we want to live in a good society not just a fair society and potentially a good society is one in which there is self-reliance. So, a further detail worth making plain is that the State has an important role to play in offering people the opportunity to take responsibility for their own livelihoods by working for a living. Most people would accept, I think, that if we are serious about promoting individual responsibility, then we must be prepared to support a

system that offers everyone adequate opportunities to take responsibility. As David Blunkett has recently observed:

Just as we look to individuals to take responsibility for their lives and to take up the choices available to them, so we believe that the Government must offer the platform for that self-reliance. (Blunkett 2001: 51)

It would, of course, require a great deal of political will to guarantee that every person that wants to work has the offer of a full-time job or a place on a vocational training scheme or at university. However, even if it is, to some extent, a matter for each society to decide how much opportunity it offers, it is arguably incumbent on all governments to try to increase opportunities in this area. Governments could provide these sorts of opportunities in a variety of ways. It might be achieved through the provision of lifelong educational opportunities, free advice and information about jobs and job-seeking, subsidised transport and access arrangements for those who are disabled, or subsidised child-care for single parents. Pursuant to these measures, steps could also be taken to increase take-home pay such as introducing a national minimum wage. Subsidies could also be made available to employers who are willing to take on and train people who have previously been unemployed. There may even be a limited role for society as an employer of last resort for the long-term jobless, a proposal that has the support of Rawls (see Rawls 1996: lix). In the United Kingdom, for example, under the New Deal scheme, the Labour government has pledged to significantly increase the numbers of lone parents

in work by offering a package of job-searching assistance, training and after-school care in order to help them to come off benefits if they so desire (see Blunkett 2001: 17, 250).

Notwithstanding these points, the State must also be careful in the way it advances paid employment as a moral ideal. Even if we believe that the State should try to increase opportunities for employment and financial self-reliance, it is equally important that it does not patronise citizens. It is one thing to offer people practical help, information and guidance about the ways they could improve their lot; quite another to assert that we know what is best for other people and have the right to push them in a particular direction. In the final reckoning, individuals should be free to decide how to lead their lives and what is suitable for them, which may include the decision not to work for a living. This is a clear implication of the value we place on autonomous choice.

My point is not that governments act illegitimately if they espouse views about human flourishing. Governments can, and often do, express views about how citizens might best improve their lot. Rather, what I am suggesting is that governments may not intervene authoritatively to coerce or intimidate citizens towards leading a particular way of life. This implies, for instance, that single unemployed mothers should not be made to feel as though they are doing something wrong by not earning a living in traditional labour markets. Thus, welfare officials should not have the power to intimidate single unemployed mothers into accepting training placements or jobs. Officials may offer guidance about how best to make work pay, but ultimately they should respect the sincere convictions of any single unemployed mother who believes that staying at home to look

after her children is the best outcome for her and her offspring. Anderson reaches much the same conclusion in her article, "What is the Point of Equality?" (Anderson 1999: 323-324).

B. Health and safety

I have argued that any shortfalls in medical expenses not reasonably funded by society at large are the responsibility of the individual. People who are struck down by maladies to which they are genetically predisposed, and have no ability to avoid, will have a strong claim against the rest of society for the full costs of treatment. In contrast to this, those who develop diseases or suffer injuries as a result of their own volition, will have a claim to much lesser subsidy. It is, however, a consequence of the inclusive theory of responsibility that if an agent has developed a disease or suffered an injury as a result of engaging in activities that contribute to society through public safety (say), then he or she will have a right to a greater level of subsidy in virtue of that contribution.

How, in practical terms, should government ensure that individuals pay their fair share of medical costs? I have argued that the ideal way to enforce consequential responsibility is for government to impose costs *ex ante*. This is because it balances out the good and bad luck of people who take the same risks but face different results, and ensures that people are not left without medical care. As argued above, it is legitimate for government to interfere in people's lives in this way if the preservation of life is at stake.

However, I also believe that our social policies should aim, wherever appropriate, at fostering preventive responsibility. Not only could this avoid serious injury and potential loss of life and limb, but it also reflects the value we place on individuals taking decisions about risk and assuming responsibility for their own health and safety. Hence, it is a further implication of my argument that the State should try to give people the opportunity to avoid risk and, to repeat a point made earlier, perhaps the best way to achieve this by means of public service information and guidance.

Finally, I should make it clear that the State also has a responsibility to preserve life, irrespective of whether it has already done everything it can to warn people against certain dangerous activities and irrespective of people's ability to pay for medical care and emergency assistance. This responsibility is based on the idea that people have some rights merely by virtue of living in political societies. I am not suggesting that the State does not have an obligation to try to distribute the costs of medical care and emergency assistance in accordance with principles of justice. Instead, I am highlighting another, perhaps more fundamental role of the State, that is, to save lives. And once we accept the fact that the State has a responsibility to save lives, any imposition of individual responsibility becomes provisional. This means, for example, that even an uninsured negligent driver who ignored the rules of the road and is incapable of paying for his treatment should receive assistance. This implication reflects the fact that principles of justice are not the only things which matter.

C. Production and consumption

As outlined above, there are powerful practical reasons why government should not adopt welfare as the currency of justice. The problem is not merely that, of the several metrics on offer, none has yet to be universally accepted. Finding out about people's happiness, preference satisfaction, enjoyment, overall success, and so on, seems to require potentially intrusive investigations into people's private lives. It also seems that such investigations are liable to inaccuracy and exploitation by claimants. Imagine the scene: 'Welcome to the ministry of welfare, we have lots of cash to give away, which aspects of your life could be more enjoyable and more successful, if only you had more money?' However, we should not discount welfare entirely for the above reasons. Where such inequalities are easily and accurately ascertained, I believe the State should intervene where justice demands it. In some cases justice is served by offering additional resources to people who would otherwise be dissatisfied. In chapter 5, for instance, I argued that it is fitting for government to pay some level of subsidy to people who find themselves in the unlucky position of having expensive tastes.

Some argue that offering subsidies to people with expensive tastes is morally questionable because it is a part of a person's good to take control of his or her likes and dislikes by adjusting them to fit what he or she can afford to pay for. I accept this argument and think subsidy should be reduced somewhat to take account of it. Even so, there is a further complication. This point about the value of autonomous decision-

making assumes, perhaps, that individuals are able to make informed selections between different tastes and preferences. Hence, it is a further implication of my argument that in as much as we value choice in relation to consumption, ideally government should offer every individual access to a broad range of different experiences and lifestyles, including the expensive and inexpensive. The reason for this is that if somebody has had limited opportunities to try what is available, then it is unlikely that he or she will be able to make a genuine and informed choice, which it is alleged we value.

How can this be achieved? One obvious mechanism is for government to support schemes and projects that introduce individuals to an array of experiences and lifestyles. For example, local government could offer money to individuals in local communities to set up centres where people have the chance to sample a variety of products and activities, and meet people in their local neighbourhoods with differing views about what gives value to life. The aim of these initiatives would be to prevent the popular culture in each society from stifling the likes and dislikes of a minority, and to enable people to develop tastes and preferences in a free and informed way.

7.7 ENDS AND MEANS

It has been one conclusion of my investigation, then, that ideally some taxpayers' money should be spent on giving people who are unemployed the practical support and positive encouragement they need to assume greater responsibility for their own livelihoods. I do

not claim that valuing this type of individual responsibility logically entails government action to promote it, but I do think it offers a practical reason to act. This reason takes the following form: if we value A, and believe that doing X, Y and Z will help to foster A, then we have a *prima facie* reason to do X, Y and Z. This can be done in different ways such as: by giving the idle access to income from the State in so far as this enables officials to exert influence over their attitudes and behaviour and encourage them to assume responsibility in the future; free or subsidised education and training; free or subsidised travel and child care; tax exemptions; perhaps a limited role for society as an employer of last resort.

However, I may face two objections at this point. One focuses on whether it makes sense to promote personal responsibility. A sceptic might ask: is not the point of individual responsibility that we should be proactive, acting on our own initiative and relying solely on our own efforts and resources to make both ends meet? If this is true, then surely it is muddled thinking to believe both in the value of individual responsibility and that government should intervene to encourage individuals to assume responsibility. This is an interesting objection but I do think it has an answer. Perhaps in an ideal world individuals would assume responsibility for their own lives spontaneously. But it does not follow from this that lesser degrees of individual responsibility are worthless. We may value those acts of individual responsibility that flow from personal initiative above those acts of individual responsibility that result from government intervention. Even so, holding this view about the relative value of acts of individual responsibility is perfectly consistent with the claim that all acts of individual responsibility can be valuable.

A second objection focuses on the rights of taxpayers. The present discussion brought us to the suggestion that because we value individual responsibility government should pursue efficient means to foster it. However, this raises the following important question: do the ends justify the means? In order to answer this question we must make an assessment of how much we value individual responsibility. For the ends to justify the means it must be shown (1) that we place sufficiently high value upon individual responsibility to warrant the costs involved, and (2) that there is no alternative feasible policy that would yield the same result at lesser cost. This then requires a response to the further question: how can it be shown that the society in question values individual responsibility? No doubt there are different ways of showing that we value individual responsibility, but presumably the clearest expression is through the decision of voters to accept the policy. However, even if this can be shown we must also bear in mind the libertarian challenge that people have rights and there are things no government may do to them or make them do without violating their rights. In respect of responsibility-protection, I have argued that the State is justified in levying taxes on the wealthy in order to protect everyone's capacity for responsible agency, including those who get themselves into trouble. But the present case is different. The question is this: what right does the State have to force taxpayers to fund responsibility-promotion?

A libertarian might claim that it is morally insupportable for the State to intervene to protect responsibility in the ways specified above. How so? Libertarians argue from the value of autonomy to very strong rights of non-interference to life, liberty and property.

The basic thought is that since it is valuable for individuals to select a way of life that best suits them and for them to act in accordance with this self-determination, it is morally fitting that they should have a protected sphere of property and action. Hence, even if we agree both that individual responsibility can lead to self-respect and can itself embody autonomy and human flourishing, which are perceived as good things, and that moral agents ought to pursue individual responsibility in their own lives and ought to help others to pursue it in theirs, it does not follow from this that the State ought to enforce this as a collective activity. On the contrary, libertarians may insist that individuals *qua* taxpayers have rights to property and the State violates those rights by forcing them to contribute to responsibility-protection. On this view, getting people off drugs (say) is rightly a matter for private individuals and charities to pursue, perhaps with some special responsibility falling on family members. This is one example of a standard libertarian argument against welfare-supporting intervention by the State. It rests on the claim that individual citizens have an inviolable right to live in society and retain their income and wealth without being forced to take a part in the welfare of others.

I grant the relevance of this objection but deny its power. In my view the correct response to this objection is quite simply that accepting the value of autonomy does not entail libertarian rights and the minimal state. An equally valid view is that we should promote personal responsibility because we value autonomy. Putting the same argument another way, if part of the justification for very strong rights to non-interference is that we value autonomy, then it is morally appropriate to leave a proportion of people's income and wealth outside of the protected sphere in order to fund autonomy-protecting policies.

Otherwise libertarianism is bound to lead to some people's misadventures going untreated, which, in turn, will have an adverse affect on their future autonomy. On this view, it is acceptable to impose taxes on people who are capable of exercising individual responsibility in order to ensure the same capacity for all. None of this is intended to demonstrate that autonomy cannot be used to justify at least some very strong rights to non-interference. Rather, the point is that using autonomy to justify the very strong rights of taxpayers to reap all of the rewards of their labours is questionable in situations where the result is detrimental to autonomy.

In this chapter I have tried to develop a set of rules and policies that best advance our concerns for individual responsibility whilst taking into account a range of other considerations which impact on social welfare planning. I cannot, of course, with the foregoing remarks, claim to have addressed all of the moral concerns and practical difficulties relevant to the subject matter. But I am confident that enough has been said to underline the sorts of areas that any adequate account must address as well as some specific difficulties peculiar to responsibility-sensitivity. At the very least, I hope I have been able to flesh out the policy implications of my argument in a plausible way.

8 CONCLUSION

The thesis has explored the deeper meaning of individual responsibility and has compared the relative merits of different interpretations of consequential responsibility in dealing with a range of questions of social justice and welfare. It has also explored the different values which support sensitivity to individual responsibility and has examined which social policies might best advance our concerns. In this chapter I want to briefly summarise my main arguments and indicate some of the reasons why I think they are important, perhaps startling even.

The idea of individual responsibility has come to the fore in recent years partly as a result of developments in normative egalitarian theory. It has been suggested that insisting on strict equality is unfair since it is insensitive to inequalities for which individuals are rightly held responsible. In spelling out this idea, some writers (including Cohen and Arneson) have focused on the idea that individuals should bear the consequences of their voluntary choices. However, as I have tried to show in the investigation, this formulation of the argument is too crude to bear the weight of our intuitions in specific cases. Partly in response to these counter examples, Dworkin and Rakowski have suggested that even if it is misleading to say that people 'choose' paths that lead to misfortune, it is at least true that they do not typically repudiate the aspects of their personalities that prompt their behaviour. And so it is fitting to hold them individually responsible. However, closer scrutiny of specific cases reveals that justice is more subtle in its implications than even these egalitarians seem to recognise.

Even when individuals have made a choice or, if not a choice, endorsed their personal ends, it is not obvious that justice is served by leaving them to bear the consequences of this. Individuals with expensive tastes can have a case for subsidy; there is an argument that people who are unemployed, low paid or non-wage-earning should have access to income from government; it is possible to defend people's right to subsidised education and training later on in life; it is very far from just that fire-fighters and other public servants should take risks on other people's behalves but not be insured against the injuries they might suffer as a result. So, even if there is an initial case for holding someone responsible for a situation in which he finds himself – either because he has chosen to behave in a certain way or because he identifies with the relevant features of his personality which steer and motivate him – we might still be justified in not holding him responsible. I have argued that the more important egalitarian aim should be to find a set of rules and policies for dividing consequential responsibility which can be justified to those concerned on the balance of reasons in play.

Of course, the idea that reasonableness is crucial to political judgements of consequential responsibility is not unanticipated by the current literature. Both Rawls and Dworkin, for example, believe that considerable progress can be made in defining a just division of consequential responsibility by looking at the sorts of principles which would be selected by moral agents placed under conditions of freedom and equality. However, some of the last mentioned results – the fact that, for example, at least some individuals with expensive tastes have a right to subsidy, and those who are unemployed, low paid or

non-wage-earning should receive an income from government for the contribution they make to society – are not anticipated by Rawls and Dworkin.

Perhaps the most disconcerting thing about the approach defended here is that it relies on intricate evaluations of what can or cannot be justified to those concerned, including comparisons of the distribution of benefits and burdens under alternative divisions of responsibility using various criteria of distribution; subtle assessments of what does and what does not maximise advantage, and far from prosaic evaluations of special duties society has towards individuals. I accept this point and, with it, the charge that the inclusive lacks the elegance or formal simplicity of existing accounts. However, it seems to me that even if the truth is somewhat messier than we would like it to be, that does not mean we should not pursue it to the fullest possible extent.

In short, I have tried to advance knowledge of individual responsibility by clarifying the criteria according to which individuals are rightly held responsible for disadvantages and misfortunes. And, even if my analysis of justice filters out some assignments of individual responsibility that other egalitarians suggest are fair, it is at least in a tradition of thought that other egalitarians can accept. By focusing on rules and principles that cannot reasonably be rejected, the approach defended here accords with the basic egalitarian premise that government must show equal concern for the lives of all citizens.

Nevertheless, another possibly surprising thing about individual responsibility is that it is supported by other values besides justice. I say ‘possibly’ surprising because the fact

that we care about individual responsibility for motives other than justice will not be surprising to some. There is a wealth of philosophical material on social welfare policy that is not exercised by the insular question: equality of what? And many writers are concerned with a much broader range of issues such as: the question of what kind of life it is good to lead, what type of society we wish to live in, and how best to achieve our concerns.

We have seen that different traditions highlight different aspects of the ideal of individual responsibility. The Kantian tradition emphasises the importance of finding a division of consequential responsibility that can be justified to all: in some cases we can say that holding individuals responsible for the consequences of their actions satisfies this constraint. Another tradition highlights the value of certain ways of life and that part of what makes a good person good is their living in conformity with human nature: it is argued that humans are essentially self-reliant beings. Finally, there is a tradition that stresses the fact that we are beings who are capable of deciding for ourselves what is the best kind of life to lead: so even if a majority has a shared sense of the kind of life it is good to lead, except where people's lives are at stake, it is illegitimate to compel individuals to lead that life against their will.

In response to the various normative values and traditions that seem to support individual responsibility, I have developed a set of policy prescriptions in the areas of production and consumption, income and employment, and health and safety. In defending these prescriptions I have also taken into account a number of practical and

economic criteria for judging the best policies. On the one hand, I have argued that faced with detailed questions of consequential responsibility – where practitioners have to implement principles of distributive justice, achieve political goals, show sensitivity to people's rights and the basic aims of political society but at the same time respond to the special circumstances of each society, the particular facts of specific cases and the practical demands of efficiency and cost – a nuanced approach is needed, in which policies are adjusted as and when the balance shifts too far in the direction of either too much or too little individual responsibility. On the other hand, I have also argued that ideally social welfare policy should aim at fostering greater preventive responsibility among individuals, rather than merely enforcing consequential responsibility, either by imposing costs or denying aid.

Notwithstanding all this, I am aware that my conclusions are limited. Firstly, I have only explored the issue of negative responsibility (that is, responsibility for misfortunes and disadvantages) often ignoring arguments about individual responsibility couched in terms of the rights of 'winners' to reap the rewards of their endeavours. In many instances individuals will want to be able to increase their earnings by working harder and gaining more qualifications. Others will want to increase their income by taking financial gambles that pay-off such as buying company shares or investing in rental properties. This raises a question as to whether or not such individuals have a right to retain these rewards. When and how far is it right to tax those who are successful? Secondly, although I have considered at length different criteria of consequential responsibility, I

have only briefly touched upon other kinds of responsibility used in ethics and jurisprudence.

In reply to the first point, I accept that my investigation has been limited to cases of personal disadvantage. I have claimed very little about whether, and to what extent, individuals have a right to retain their advantage. I also accept that a complete account of these issues would have to address important questions of personal advantage such as the taxation of the rich and successful. Governments cannot set about the business of relieving disadvantage without paying attention to how much, and from whom, it has a right to collect taxes in order to pay for relief. Even so, it seems to me that most, if not all, of the criteria discussed in chapters 5 and 6 could easily apply to these other questions. The distinction between choice and luck, for example, is intended to apply as much to those who are the benefactors of good luck as to the victims of bad luck.

In response to the second point, it would, of course, imbue our theories of justice with a holistic elegance if roughly the same criteria of responsibility were applicable across the board. Accordingly, some writers – I specifically have in mind Arthur Ripstein's wide-ranging book, *Equality, Responsibility, and the Law* (esp. 267) – have tried to develop unified accounts of responsibility for distributive, corrective, and retributive justice. However, my own view is that we should keep an open mind as to whether principles of responsibility suitable for distributive justice and social welfare are equally applicable in other areas, and *vice versa*. It might be that the aims and concerns of holding people consequentially responsible for the disadvantages and misfortunes of their own lives are

very different from those aims and concerns associated simply with blaming people for moral wrongdoing, or with holding people liable for legal sanction in the case of rights violations.

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